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# LAWS

OF THE

# STATE OF ILLINOIS

Laws, statutes, etc.

ENACTED BY THE

FORTIETH GENERAL ASSEMBLY,

AT THE REGULAR BIENNIAL SESSION,

*Begun and held at the Capitol, in the City of Springfield, on the  
6th day of January, A. D. 1897, and adjourned sine die  
on the 4th day of June, A. D. 1897.*

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PRINTED BY AUTHORITY OF THE GENERAL ASSEMBLY  
OF THE STATE OF ILLINOIS.

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# LAWS OF ILLINOIS.

## ADMINISTRATION OF ESTATES.

### GRANTING LETTERS OF ADMINISTRATION.

§ 1. Amends section 18 of the act of 1872.

*AN ACT to amend an act in regard to the administration of estates, approved April 1, 1872, in force July 1, 1872.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eighteen of chapter three of the revised statutes, entitled, "An act in regard to the administration of estates," be and the same is hereby amended so that said section shall read as follows:

Section 18. Administration shall be granted upon the goods and chattels of decedent to the surviving husband or wife, or to next of kin to the intestate, or some of them, if they will accept the same, or the court may grant letters of administration to some competent person who may be nominated to the court by either of them, but in all cases the surviving husband or wife, or the persons so nominated by him or her, respectively, shall have the preference, and if none of the persons hereinbefore mentioned applies within sixty days from the death of the intestate, the county court may grant administration to the public administrator of the proper county, or to any creditor who shall apply for the same. If no creditor applies within fifteen days next after the lapse of sixty days as aforesaid, administration may be granted to any person whom the county court may think will best manage the estate: *Provided*, that in all counties having a population of two hundred thousand inhabitants or over, it shall be the duty of the county court to commit the administration of such estate to the public administrator of the proper county. In all cases where the intestate is a non-resident, and in all cases where the intestate is without a widow, next of kin or creditors in this State, but leaves property within the State, administration shall be granted to the public administrator of the proper county, when such county

contains a population of two hundred thousand inhabitants or over. And in all cases where any contest shall arise between the widow, heirs at law, next of kin, or creditors of the intestate, in relation to the grant of letters of administration, and it shall appear to the court that the estate of said intestate is liable to waste, loss or embezzlement, administration to collect shall be granted to the public administrator of the proper county, when such county contains a population of two hundred thousand inhabitants or over: *Provided*, that no administration shall, in any case, be granted until satisfactory proof be made before the county court to whom application for that purpose is made, that the person in whose estate letters of administration are requested is dead, and died intestate.

*And, provided further*, that when the heirs are resident of this State and the estate is solvent and without minor heirs, and it is desired by the parties in interest to settle the estate without administration, this law shall not apply.

*And, provided further*, that no non-resident of this State shall be appointed administrator, and no non-resident shall be appointed or act as executor.

APPROVED June 3, 1897.

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§ 1. Amends section 75 of the act of 1872, by providing that the conservator or guardian shall make selection.

AN ACT to amend section 75 of an act entitled "An act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 75 of an act entitled "An act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872, be and the same is hereby amended as follows, to-wit:

Section 75. The appraisers shall make out and certify to the county court an estimate of the value of each of the several items of property allowed to the widow; and it shall be lawful for the widow to elect whether she will take the specific articles set apart to her, or take the amount thereof out of other personal property at the appraised value thereof, or whether she will take the amount thereof in money, or she may take a part in property and a part in money, as she may prefer; and in all such cases it shall be the duty of the executor or administrator to notify the widow as soon as such appraisalment shall be made, and to set apart to her such article or articles of property, not exceeding the amount to which she may be entitled, and as she may prefer or select, within thirty days after written application shall be made for that purpose by such widow. And if any such executor or administrator shall neglect or refuse to

comply with the above requisition, when application shall be made for that purpose, he shall forfeit and pay for the use of such widow the sum of twenty dollars per month for each month's delay to set apart said property so selected, after the said term of thirty days shall have elapsed, to be recovered in the name of the People of the State of Illinois, for the use of such widow, in any court having jurisdiction of the same. When there is not property of the estate, of the kinds mentioned in the preceding section, the appraisers may award the widow a gross sum in lieu thereof, except for family pictures, jewels and ornaments, and in case such widow is insane or under other disabilities, then the conservator or guardian of such widow may make such selection; and in case such widow die before such award is made or before such selection is made, then the administrator or executor of such widow may cause such award to be made and may make such selection for the benefit of the estate of such deceased widow.

APPROVED June 10, 1897.

## AGRICULTURE AND HORTICULTURE.

### BUTTER—MANUFACTURE AND SALE OF SUBSTITUTES.

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| § 1. Imitation butter.                             | § 7. What constitutes possession.                                   |
| § 2. Coloring butter prohibited.                   | § 8. Wrongful sale or contract.                                     |
| § 3. Packages, etc., stamped and marked.           | § 9. Defacing, erasing or removing any mark with intent to mislead. |
| § 4. Unlawful to sell without informing purchaser. | § 10. Fines and penalties.  |
| § 5. Shipping of substitutes.                      | § 11. State's Attorney to prosecute.                                |
| § 6. Substitute in possession.                     |   |

AN ACT to regulate the manufacture and sale of substitutes for butter.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of this act, every article, substitute or compound, other than [that] which is produced from pure milk or cream therefrom, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk or its cream, is hereby declared to be imitation butter: *Provided*, that the use of salt and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

§ 2. No person shall coat, powder or color with annato, or any coloring matter whatever, any substance designed as a substitute for butter, whereby such substitute or product so colored or compounded shall be made to resemble butter, the product of the dairy.

No person shall combine any animal fat or vegetable oil or other substance with butter or combined therewith or with animal fat or vegetable oil, or combination of the two, or with either one, any

other substance or substances, for the purpose or with the effect of imparting thereto a yellow color or any shade of yellow so that such substitute shall resemble yellow or any shade of genuine yellow butter, nor introduce any such coloring matter or such substance or substances into any of the articles of which the same is composed:

*Provided*, nothing in this act shall be construed to prohibit the use of salt, rennet and harmless coloring matter for coloring the products of pure milk or cream from the same.

No person shall, by himself, his agents or employes, produce or manufacture any substance in imitation or semblance of natural butter, nor sell, nor keep for sale, nor offer for sale, any imitation butter, made or manufactured, compounded or produced in violation of this section, whether such imitation butter shall be made or produced in this State or elsewhere.

This section shall not be construed to prohibit the manufacture and sale, under the regulations hereinafter provided, of substances designed to be used as a substitute for butter and not manufactured or colored as herein provided.

§ 3. Every person who lawfully manufactures any substance designed to be used as a substitute for butter, shall mark by branding, stamping or stenciling upon the top or side of each box, tub, firkin or other package in which such article shall be kept and in which it shall be removed from the place where it is produced, in a clear and durable manner in the English language, the word "oleomargarine," or the word "butterine," or the words "substitute for butter," or the words "imitation butter," in printed letters in plain Roman type, each of which shall not be less than three-quarters of an inch in length.

§ 4. It shall be unlawful to sell or offer for sale any imitation butter without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is imitation butter.

§ 5. No person, by himself or others, shall ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter, unless it shall be marked or branded on each tub, box, firkin or jar, or other package containing the same, as provided in this act, and unless it be consigned by the carriers and receipted for by its true name: *Provided*, that this act shall not apply to any goods in transit between foreign states across the State of Illinois.

§ 6. No person shall have in his possession or under his control any substance designed to be used as a substitute for butter, unless the tub, firkin, jar, box or other package containing the same be clearly and durably marked as provided in this act: *Provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves [or] their families. Every person who shall have possession or control of any imitation butter for the purpose of selling the same, which is

not marked as required by the provisions of this act, shall be presumed to have known during the time of such possession or control the true character and name, as fixed by this act, of such product.

§ 7. Whoever shall have possession or control of any imitation butter, or any substance designed to be used as a substitute for butter, contrary to the provisions of this act, for the purpose of selling the same, or offering the same for sale, shall be held to have possession of such property with intent to use it in violation of this act.

§ 8. No action shall be maintained on account of any sale or contract made in violation of, or with intent to violate, this act, by or through any person who was knowingly a party to such wrongful sale or contract.

§ 9. Whoever shall deface, erase or remove any mark provided by this act, with intent to mislead, deceive, or to violate any of the provisions of this act, shall be guilty of a misdemeanor.

§ 10. Whoever shall violate any of the provisions of this act shall be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail not to exceed sixty days, for each offense, or by both fine and imprisonment, in the discretion of the court, or the fine alone may be sued for and recovered before any justice of the peace in the county where the offense shall be committed, at the instance of any person, in the name of the People of the State of Illinois as plaintiff.

§ 11. It is hereby made the duty of the State's Attorney of each county in this State to prosecute all violations of this act upon complaint of any person, and there shall be taxed as his fees in the case the sum of ten dollars (\$10), which shall be taxed as costs in the case.

APPROVED June 14, 1897.

## ALIENS.

### RIGHT TO HOLD REAL AND PERSONAL PROPERTY.

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|--|--|
| § 1. Right of all aliens to hold real and personal property, and to dispose of the same.   | § 4. Possession of lands sold to be delivered within 10 days to the purchaser. |
| § 2. Aliens to hold title for 6 years—notice—duty of State's Attorney.   | § 5. Title by forfeiture or escheat, released.                                 |
| § 3. Sale of lands to be confirmed by the court—moneys and securities to be delivered to the clerk of the court—duty of State Treasurer. | § 6. Actions to recover—when to be commenced.                                  |
|  | § 7. Alien's right to hold personal property.                                  |
|  | § 8. Repeals all acts in conflict.   |

*AN ACT concerning aliens, and to regulate their right to hold real and personal estate, and to ratify and confirm titles derived through and under aliens, and to protect the titles of citizens from forfeiture, and to limit the time for recovery of land derived by citizens through or under aliens.*

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* SECTION 1. All aliens may, subject to the



further provisions of this act, acquire and hold title in fee simple, or otherwise, to lands, tenements and hereditaments, situate in this State, by deed, devise or descent, and may alienate, sell, assign, incumber, devise and convey lands, tenements and hereditaments, whether the same have been heretofore or be hereafter acquired, and the title to any lands of which an alien may die seized or possessed intestate, shall descend to the heirs at law, and no person shall be deprived of his right to take title to real estate as heir at law by descent from any deceased person because he may be an alien or be compelled to trace his relationship to such deceased person through one or more aliens.

§ 2. If any alien shall at the time of acquiring title to lands situate in this State be of the age of 21 years or upwards, he may hold title to the same for six years from and after the time of acquiring such title; but if any alien shall at the time of acquiring title to lands situate in this State be under the age of 21 years, he may hold title to the same for six years from and after the time when he becomes 21 years of age, and if at the end of the time above limited such lands shall not have been conveyed to bona fide purchasers for value, or such alien shall not have become a citizen of the United States, it shall then be the duty of the State's Attorney of the county in which said lands are situate to proceed by information, in the name of the People of the State of Illinois, in the circuit court of such county, to compel a sale of said lands, and such court shall have jurisdiction to hear and determine such information, and to order the sale of such lands by a master in chancery, special commissioner, or other officer, for that purpose appointed by said court, at such time and place and upon such terms as the court may direct, but such sale shall be made subject to all incumbrances by way of judgment or mortgage, or otherwise, existing against such lands at the time of the commencement of such proceedings.

Notice to all parties interested shall be given as now authorized in cases in chancery.

It shall be a good defense to any such proceeding that prior to the time that the same was commenced such alien had become a citizen of the United States, or that the title to such lands had been conveyed in good faith by such alien, mediately or immediately, to a citizen of the United States, or if such alien has deceased prior to the time of the commencement of such proceeding, that his heirs or devisees, or any person claiming by, through, or under them, are or had become citizens of the United States.

Said court shall tax as costs such fees for the State's Attorney as shall be reasonable, not exceeding 20 per centum of the amount which shall be bid for such lands at any such sale thereof, and shall allow to such master in chancery, special commissioner, or other officer making such sale, the same fees as are allowed by law to masters in chancery for the sale of lands under decree of foreclosure of mortgages, and all fees and costs shall be paid out of the proceeds of sale of such real estate.

If any State's Attorney shall neglect or refuse to proceed by information as hereinbefore provided, within thirty days after it shall be brought to his notice that an alien is holding title to lands in this State contrary to the provisions of this act, then any citizen may proceed by information, in the name of the People of the State of Illinois, in the same manner as such State's Attorney might have proceeded under the provisions of this section, and he and his attorney may be allowed such reasonable fees for their services, to be taxed as costs, as the court may direct, not exceeding in the aggregate 20 per centum of the amount which shall be bid for such lands at any such sale thereof.

§ 3. No sale made pursuant to any decree entered in any such proceeding brought under the provisions of this act shall be valid until confirmed by the court ordering the same.

The money and securities for the unpaid balance, if any, of the purchase price bid for such lands at any such sale shall, after deducting all fees and costs, be paid and delivered to the clerk of said court, who shall, within ten days after the receipt thereof, transmit the same to the State Treasurer, who shall hold the same as the property of the State of Illinois.

It shall be the duty of the State Treasurer to collect the money due or to be due upon such securities, and give due acquittances therefor: *Provided*, that all securities for unpaid balances of the purchase money for such lands shall be made payable to the People of the State of Illinois.

§ 4. Possession of such lands so sold shall be delivered by such a lien to the purchaser at such sale within ten days from and after the time when such purchaser shall exhibit to the person in possession thereof, if any, a deed executed by the officer making such sale, together with a written demand for such possession, signed by such purchaser or by his agent or attorney.

§ 5. The title to all lands, situate within this State, which are or may have been subject to a forfeiture or escheat, either to the State of Illinois or to the county in which such lands are situate, by reason of the provisions of an act entitled "An act in regard to aliens, and to restrict their right to acquire and hold real and personal estate and to provide for the disposition of the lands now owned by non-resident aliens," approved June 16, 1887, in force July 1, 1887, is hereby ratified and confirmed in and released unto those persons who, but for their alienage or the alienage of the person or persons by, through or under whom they claim title, would have the title thereto: *Provided*, that any alien in or to whom the title to any such lands shall have been ratified, confirmed or released by virtue of the provisions of this section shall hold the same subject to all the provisions of this act, and such title shall be deemed to have accrued to and vested in such alien at the date when this act becomes in force: *And provided, further*, that this section shall not apply to any lands as to which proceedings have heretofore been commenced by or in behalf of the State of Illinois, or any county of said State to enforce a forfeiture or escheat thereof.

§ 6. No action shall be commenced to recover any lands, tenements or hereditaments situate within this State by any person who, but for the provisions of an act entitled "An act in regard to aliens, and to restrict their right to acquire and hold real and personal estate, and to provide for the disposition of the lands now owned by non-resident aliens," approved June 16, 1887, in force July 1, 1887, would have no title to such lands, tenements and hereditaments, of or from any citizen of the United States of America in whom, but for the provisions of said act, the title to such lands, tenements or hereditaments would be vested, unless such action shall be commenced within two years from and after the time when this act shall become in force, or within two years from and after the time when such right of action first accrues.

§ 7. All aliens may acquire and hold personal property in the same manner and to the same extent as natural born citizens of the United States, and the personal estate of an alien dying intestate shall be distributed in the same manner as the estates of natural born citizens, and all persons interested in such estate shall be entitled to proper distributive shares thereof under the laws of this State, whether they are aliens or not.

§ 8. "An act in regard to aliens and to restrict their right to acquire and hold real and personal estate and to provide for the disposition of the lands now owned by non-resident aliens," approved June 16, 1887, and in force July 1, 1887, and all other acts and parts of acts in conflict with this act, are hereby repealed.

APPROVED May 14, 1897.

## ANIMALS.

### DOGS AND SHEEP.

§ 1. Amends sections 5 and 6 of act of 1879.

§ 3. Balance of license fund to be held by county treasurer or supervisor.

§ 5. Affidavit to show damages. Damage not to exceed \$5.00 per head for sheep killed or injured.

§ 6. Witness fees. Repeal.

*AN ACT to amend sections five (5) and six (6) of "An act to indemnify the owners of sheep in cases of damage committed by dogs," approved May 29, 1879, in force July 1, 1879.*

*Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections five (5) and six (6) of "An act to indemnify the owners of sheep in cases of damage committed by dogs, approved May 29, 1879, in force July 1, 1879," be and the same are hereby amended to read as follows:*

SECTION 3. "If there be a balance of such license fund left in the hands of the county treasurer or in the hands of the supervisor of the township after paying all the losses and injuries sustained as

aforesaid, such balance shall be held by said county treasurer or the supervisor of the township, to be paid on any further losses sustained by the owners of sheep."

§ 5. No person having sheep killed or injured as aforesaid shall be entitled to receive any portion of the fund herein provided for unless he appear before the supervisor of the town in which the sheep are killed or injured, or before the county treasurer in counties not under township organization, within not less than ten nor more than forty days after the sheep are killed or injured, and make affidavit stating the number of sheep killed or injured, the amount of damage done by dogs, and owner or owners of the dogs, if known. All damages shall be proven by not less than two witnesses who shall be freeholders of the county; and such supervisor or county treasurer is hereby authorized to administer oaths in such cases, and shall keep a record in each case of the names of the owner and the amount of damage proven and the number of sheep killed or injured. And in case the owner of the dog or dogs is solvent, the county or town, as the case may be, shall not pay such damage out of such fund: *Provided*, that the damages allowed shall in no event exceed \$5.00 per head for such sheep killed or injured.

§ 6. The supervisor or county treasurer, as the case may be, shall allow not to exceed fifty cents to each witness, which shall be paid out of the fund created by this act prior to its disposition by the third section of this act. All acts or parts of acts inconsistent with these amendments are hereby repealed.

APPROVED May 24, 1897.

## APPROPRIATIONS.

### ASYLUM FOR INCURABLE INSANE AT BARTONVILLE.

- |  |   |
|--|---|
| <p>§ 1. Appropriates to the Asylum for the Incurable Insane the following sums:</p> <p>For completion of building, \$19,650.</p> <p>For Administration building, complete, including heating, plumbing and lighting, \$15,000.</p> <p>For boiler house, etc., \$10,000.</p> <p>For laundry, \$5,000.</p> <p>For topographical survey, \$560.</p> <p>For building roads, walks and necessary repairs to farm, \$3,000.</p> <p>For sewer, \$4,000.</p> | <p>§ 2. For wards, \$82,600.</p> <p>For maintenance, from July 1, 1898, to July 1, 1899, \$65,000.</p> <p>For horses, cows, hogs and farming implements, \$3,000.</p> <p>For furnishing main building and wing of Administration building, \$15,000.</p> <p>§ 3. How drawn.</p> |
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AN ACT making appropriation for the Incurable Insane Asylum at Bartonville, Peoria county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts

be and are hereby appropriated to the Incurable Insane Asylum at Bartonville, Peoria county, Illinois, for the purposes hereinafter named:

For the completion of said building, now in course of construction, and furnishing same .....	\$19,650 00
Administration building, complete, including heating, plumbing and lighting.....	15,000 00
Boiler house, including dynamos, engines and steam plant, complete.....	10,000 00
Laundry building, including the necessary machinery, complete .....	5,000 00
Topographical survey .....	500 00
For building hard roads, walks and necessary repairs to the farm .....	3,000 00
For sewers .....	4,000 00
For maintenance to July 1, 1898.....	25,000 00

The moneys herein appropriated shall be payable only upon the warrants of the Auditor, drawn upon the order of the trustees, upon vouchers signed by the trustees and approved by the Governor.

## § 2.

For construction of Ward No. 2.....	\$38,000 00
For construction of Ward No. 3.....	38,000 00
For equipment of Ward No. 2.....	3,300 00
For equipment of Ward No. 3.....	3,300 00
For maintenance from July 1, 1898, to July 1, 1899.....	65,000 00
For horses, cows, hogs and farming implements .....	3,000 00
For furnishing main building and wing, already constructed, and the Administration building.....	15,000 00

Said appropriations to be available out of the tax of 1897, after the 1st day of July, 1898, and shall be payable quarterly, in advance, upon the order of the board of trustees, approved by the Governor, and appropriation for the building and furnishings shall be paid out upon the estimates of the architect, upon vouchers signed by the trustees and approved by the Governor.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrants upon the State Treasurer for the moneys hereinbefore appropriated upon the order of the board of commissioners of said institution, signed by the president, attested by the secretary, and approved by the Governor.

APPROVED June 14, 1897.

## CASUAL DEFICITS OR FAILURE IN REVENUES.

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|--|--|
| § 1. Governor, Auditor and Treasurer authorized to borrow \$250,000.<br>§ 2. Advertising for loan. | § 3. Form of bonds. Appropriates \$270,000.<br>§ 4. How drawn. |
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AN ACT to provide for casual deficits or failure in revenues.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever casual deficits or failures in revenues of the State occur, in order to meet the same, the Governor, Auditor and Treasurer are hereby authorized to contract debts, never to exceed in the aggregate the sum of two hundred and fifty thousand dollars, and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debts thus created and to no other purpose: *Provided,* that all moneys so borrowed shall be borrowed for no longer time than two years.

§ 2. Whenever the borrowing of money under section one of this act is contemplated, it shall be the duty of the Governor, Auditor and Treasurer to advertise for proposals for such loans, for ten days, in one of the daily newspapers printed in each of the cities of New York, Chicago and Springfield, setting forth in said advertisements the amount of debt proposed to be contracted and the time and place for the payment of the principal and interest. And the loan shall be awarded to the person or persons agreeing to take it at the lowest rate of interest not exceeding five per cent. per annum.

§ 3. There shall be prepared under the direction of the officers named in this act such form of bonds or certificates as they shall deem advisable, which, when issued, shall be signed by the Governor, Auditor and Treasurer, and shall be registered by the Auditor in a book to be kept by him for that purpose. The interest and principal of such loan shall be paid by the Treasurer out of the general revenue fund. There is hereby appropriated out of any money in the treasury a sum not exceeding the sum of two hundred and seventy thousand dollars for the payment of the interest and principal of any debts contracted under this act.

The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the amount of all such payments.

APPROVED April 2, 1897.



## CATHERINE CUTTING.

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|---|-----------------|
| § 1. Appropriates \$350 to pay Catherine Cutting for damages allowed by the Commission of Claims. | § 2. How drawn. |
|---|-----------------|

*AN ACT to appropriate money to pay Catherine Cutting for damages allowed her against the State of Illinois by the Commission of Claims.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to Catherine Cutting the sum of three hundred and fifty dollars (\$350.00) for damages allowed her by the Commission of Claims in the case of Catherine Cutting against the State.

§ 2. The Auditor of Public Accounts shall draw his warrant in favor of said Catherine Cutting for said amount herein appropriated, and the State Treasurer shall pay the same out of any money in the treasury not otherwise appropriated.

APPROVED June 7, 1897.

## CHEMICAL SURVEY OF THE WATERS OF ILLINOIS.

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|---|--|
| § 1. Trustees of the University of Illinois to establish a chemical survey of the waters of Illinois. | § 3. Appropriates \$3,000 per annum for making survey. |
| § 2. Duty of the University.  | § 4. How drawn.  |

*AN ACT to establish a chemical survey of the waters of the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the trustees of the University of Illinois are hereby authorized and directed to establish a chemical and biological survey of the waters of the State in connection with said university.

§ 2. It shall be the duty of the university to collect facts and data concerning the water supplies of the State; to collect samples of waters from wells, streams and other sources of supply, to subject these samples to such chemical and biological examination and analyses as shall serve to demonstrate their sanitary condition, and to determine standards of purity of drinking waters for the various sections of the State, to publish the results of these investigations in a series of reports to be issued annually, or oftener, to the end that the condition of the potable waters of the State may be better known,

and that the welfare of the people of the various communities of the State may thereby be conserved.

§ 3. For the installation and support of said survey there is hereby appropriated the sum of three thousand (3,000) dollars per annum.

§ 4. The Auditor of State is hereby authorized and directed to draw his warrants quarterly, in advance, on the Treasurer for the sums hereby appropriated, upon the order of the chairman of the Board of Trustees of the University of Illinois, attested by the secretary, and with the corporate seal of the university: *Provided*, that no part of said sums shall be due and payable to said institution until satisfactory vouchers, in detail, approved by the Governor, shall be filed with the Auditor, for the expenditure of the last quarterly installment of appropriations herein made.

APPROVED June 7, 1897.

#### COMMISSION TO MARK POSITION OF TROOPS IN THE BATTLE OF SHILOH.

§ 1. Appointment of commission.

§ 2. Appropriates \$1,000 to pay expenses of commission—how drawn.

*AN ACT authorizing the appointment of a commission to ascertain and mark the positions occupied by Illinois troops in the battle of Shiloh and to make an appropriation to pay the personal expenses of the commission.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor of this State be and he is hereby authorized to appoint a commission of ten persons, not more than five of whom shall be selected from the same political party, each of whom participated in the battle of Shiloh, who shall serve without pay and whose duty it shall be to co-operate with the national commission in ascertaining and marking the positions occupied in said battle by each regiment, battery and independent organization from this State, which were engaged there, and for this purpose they shall avail themselves of the knowledge and assistance of representatives of such regiments, batteries and other organizations.

§ 2. The sum of one thousand dollars is hereby appropriated to pay the personal expenses of the members of said commission in the discharge of their duties as aforesaid, and the Auditor of Public Accounts is hereby authorized to draw his warrant upon the State treasury for so much of the sum herein appropriated as may be necessary for the use aforesaid, on bills of particulars certified by said commission and approved by the Governor. And the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

APPROVED June 7, 1897.

## DAIRYMEN'S ASSOCIATION.

§ 1. Appropriates \$1,000 to aid the Dairy- | § 2. How drawn.  
men's Association.

*AN ACT making an appropriation in aid of the Illinois Dairymen's Association.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one thousand dollars per annum be and the same is hereby appropriated to aid the Illinois Dairymen's Association in compiling, publishing and distributing its report, and other necessary expenses.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the sum in this act specified on bills of particulars certified to by the officials of said association, to the order of the president of said association, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

APPROVED June 10, 1897.

## DAMAGES BY CONSTRUCTION OF A DAM ON THE ILLINOIS RIVER.

§ 1. Appropriates \$150.00 to pay Nicholas | § 2. How drawn.  
Bieas for damages.

*AN ACT to provide for the payment of damages to lands and sustained by the owner thereof by the construction of a dam on the Illinois river, near Henry, in Marshall county, Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one hundred and fifty dollars be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay Nicholas Bieas, the owner of land or other property on the Illinois river, for damages occasioned by the construction of the lock and dam near Henry on said river by the authority of the State of Illinois, according to the recommendations contained in the report of the joint select committee of the two Houses of the Thirtieth General Assembly.

§ 2. That the Auditor of Public Accounts be and he is hereby directed to draw his warrant on the State Treasurer for the amount by this act directed, to be paid the said Nicholas Bieas, and that in so doing he be governed and shall comply with the provisions of an act of the General Assembly of the State of Illinois entitled "An act

to provide for the payment of damages to lands or other property sustained by the owner thereof by the construction of the dam on the Little Wabash river at New Haven, in Gallatin county Illinois, and by the construction of the dam on the Illinois river near Henry, in Marshall county, Illinois," approved May 31, 1879, in force July 1, 1879.

APPROVED May 6, 1897.

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D. VANCE.

§ 1. Appropriates \$146.80 to D. Vance for sand. | § 2. How drawn.

*AN ACT making an appropriation for the relief of D. Vance.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one hundred and forty-six dollars and eighty cents (\$146.80) is hereby appropriated out of any money in the State treasury not otherwise appropriated for the relief of D. Vance, as a fair and just compensation for sand furnished by him and used by the State at the Illinois State Reformatory at Pontiac.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for said sum of one hundred and forty-six dollars and eighty cents (\$146.80), hereby appropriated, payable to said D. Vance or his order, in full satisfaction of said claim.

APPROVED June 3, 1897.

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EASTERN ILLINOIS STATE NORMAL SCHOOL.

§ 1. Appropriates \$25,000 for the year 1897 | § 2. How drawn.  
and \$50,000 for the year 1898.

*AN ACT making appropriation for the Eastern Illinois State Normal School.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of twenty-five thousand dollars (\$25,000.00) for the fiscal year beginning July 1, 1897, and the sum of fifty thousand dollars (\$50,000.00) for the fiscal year beginning July 1, 1898, be and is hereby appropriated to the Eastern Illinois State Normal School, for the purpose of com-

pleting said school building, improving the grounds, purchasing the necessary heating and lighting apparatus, plumbing, furniture, and such other fixtures and supplies as may be required to carry out the provisions of an act approved May 22, 1895, to establish and maintain the said Eastern Illinois State Normal School.

§ 2. That the Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid sum of money, upon the order of the board of trustees of said Eastern Illinois State Normal School, signed by the president and attested by the secretary of said board, with corporate seal of said institution attached, and approved by the Governor

APPROVED June 9, 1897.

#### EXECUTIVE MANSION.

§ 1. Appropriates \$27,241 to repair, etc., the Executive Mansion. | § 2. Bids—Duties of the Secretary of State—How drawn.

*AN ACT to repair and improve the Executive Mansion, and to repair the sidewalks around the same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of three thousand seven hundred and sixty-six (\$3,766) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of improving and repairing the basement of the Executive Mansion.

The sum of three hundred dollars (\$300), or so much thereof as may be necessary, is hereby appropriated for repairing the plastering on said mansion.

The sum of three thousand dollars (\$3,000), or so much thereof as may be necessary, is hereby appropriated for the purpose of plumbing and repairing the sewerage of said mansion, and improving bath rooms in said mansion.

The sum of one thousand four hundred and eighty dollars (\$1,480) is hereby appropriated for the purpose of constructing a brick and stone boiler house for said mansion.

The sum of twenty-five hundred dollars (\$2,500), or so much thereof as may be necessary, is hereby appropriated for steam heating apparatus, including boiler, for said mansion.

The sum of fifteen hundred dollars (\$1,500), or so much thereof as may be necessary, is hereby appropriated for constructing a grand stairway and interior wood finish for said mansion.

The sum of three thousand dollars (\$3,000), or so much thereof as may be necessary, is hereby appropriated for interior painting and decorations of said mansion.

The sum of four hundred and seventy-five dollars (\$475), or so much thereof as may be necessary, is hereby appropriated for outside painting on said mansion.

The sum of six thousand one hundred and twenty-five dollars (\$6,125), or so much thereof as may be necessary, is hereby appropriated for the purpose of putting copper roofs on said mansion and cupola.

The sum of fifteen hundred dollars (\$1,500), or so much thereof as may be necessary, is hereby appropriated for the purpose of placing a copper balustrade on said mansion.

The sum of three hundred and fifteen dollars (\$315), or so much thereof as may be necessary, is hereby appropriated for placing a floor in the attic of said mansion, and woodwork about the cupola of said mansion.

The sum of three thousand five hundred (\$3,500) dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of placing a stone and granite porch and marble steps on the north front of said mansion.

The sum of seven hundred and eighty dollars (\$780), or so much thereof as may be necessary, is hereby appropriated for the purpose of repairing the walks around said mansion and constructing new walks through said grounds.

§ 2. Said work shall be let to the lowest responsible bidder or bidders by the Secretary of State, who is hereby charged with the duty of making the above improvements and repairs, after advertising said letting for a period of not less than twenty days in one daily newspaper printed and published in Chicago and one daily newspaper printed and published in Springfield.

The Secretary shall have power to reject any and all bids, and he is hereby authorized and required to take bond for such sum as he may think proper from persons to whom the work shall be let for the faithful performance of their contracts.

Said money shall be paid by Auditor's warrants on the Treasurer on vouchers certified by the Secretary of State and approved by the Governor.

APPROVED June 10, 1897.

## FARMERS' COUNTY INSTITUTES.

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| <p>§ 1. Appropriates \$1,200 per annum for expressage, stationery, postage, etc.—For collecting an institute library, \$100 per annum—For clerk hire, etc., \$1,200 per annum—For expenses of district directors, speakers, etc., \$5,000 per annum—For the use of each County Farmers' Institute, \$50 per annum.</p> <p>§ 2. Officers of County Farmers' Institutes not to receive any moneyed compensation for services.</p> | <p>§ 3. How drawn.</p> <p>§ 4. Duty of the treasurer of the Illinois Farmers' Institute to pay over to the treasurer of each County Institute the sum of \$50.</p> |
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*AN ACT making appropriations for the Illinois Farmers' Institute and County Farmers' Institutes.*

WHEREAS, To assist and encourage useful education among farmers and for developing the agricultural resources of the State, the Thirty-ninth General Assembly created an organization under the name and style of the Illinois Farmers' Institute, and entrusted to it the development of greater interest in the cultivation of crops, in the breeding and care of domestic animals, in dairy husbandry, in horticulture, in farm drainage, in improved highways and general farm management, through and by means of liberal discussions of these and kindred subjects; and for improving the condition of the farmer by affording a better knowledge of successful agriculture. Therefore, to sustain the same:

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the Illinois Farmers' Institute the following sums, to-wit:

SECTION 1. For expressage, stationery, postage, office expenses, furniture, etc., the sum of twelve hundred dollars (\$1,200) per annum for the years 1897 and 1898.

2. For the expense of collecting an institute library, the sum of one hundred dollars (\$100) per annum for the years 1897 and 1898.

3. For the expense of collecting matter and preparing manuscript, editing the annual report and bulletins, clerk hire, etc., the sum of twelve hundred dollars (\$1,200) per annum for the years 1897 and 1898.

4. For the actual expense of district directors, and of able and practical speakers to be furnished by the Illinois Farmers' Institute to the County Farmers' Institutes, for the purpose of assisting in making their meetings of general interest and of the greatest practical benefit; for expense of organizing County Institutes in counties not now organized; for the expense of printing program, advertising and of speakers and exhibit at the State Institute, the sum of five thousand dollars (\$5,000) per annum for the years 1897 and 1898: *Provided*, that County Institutes or their representatives shall be per-

mitted to select their own speakers and to have such topics for consideration as shall be of especial interest to their respective localities.

5. For the use of each County Farmers' Institute the sum of fifty dollars (\$50) per annum for the years 1897 and 1898, to be paid the treasurer of each County Farmers' Institute when such institute shall file with the secretary of the Illinois Farmers' Institute a sworn statement which shall show that said County Farmers' Institute has held one or more public sessions annually of not less than two days at some easily accessible location, which shall include an itemized bill of its expenses, a copy of its program and printed proceedings, showing title of the papers read and by whom, and place or places of meeting, with daily average attendance, and such other information as may be needed by the Illinois Farmers' Institute to successfully assist this work.

§ 2. No officers or officer of any County Farmers' Institute shall be entitled to or receive any moneyed compensation whatever for any services rendered the same.

§ 3. That on the order of the president, countersigned by the secretary, of the Illinois Farmers' Institute, and approved by the Governor, the Auditor of Public Accounts shall draw his warrant on the Treasurer of the State of Illinois in favor of the treasurer of the Illinois Farmers' Institute for the sums herein appropriated: *Provided*, that each warrant on account of a County Farmers' Institute shall show the county for whose benefit the same is drawn: *Provided, further*, that if the necessary expense of a County Farmers' Institute shall not equal said sum of fifty dollars as aforesaid, then said warrant shall only be drawn for the sum expended.

§ 4. It shall be the duty of the treasurer of the Illinois Farmers' Institute to pay over to the treasurer of each County Institute the said sum of fifty dollars (\$50) or so much thereof as may be received for its use and benefit as aforesaid, and make annual report to the Governor as provided by law.

APPROVED June 5, 1897.

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FREDERICK KLOR.

§ 1. Appropriates \$1,000.00 to pay and discharge the claim of Frederick Klor.

*AN ACT to grant indemnity and relief, and to make appropriation for the payment of the claim of, Frederick Klor.*

WHEREAS, Upon the petition of Frederick Klor, a bill for his relief, involving an appropriation of \$1,500.00, was reported by the House Committee on Claims at the last regular session of the General Assembly; and



WHEREAS, The said bill, as involving an appropriation of public money, was, under a House rule, referred to the House Committee on Appropriations, and was, near the close of the said session, reported back to the House, and was, by the order of the House, referred to the Commission of Claims to the end that the said commission might take cognizance of and adjudicate the merit and validity of the said claim, pursuant to the statute in such case made and provided; and

WHEREAS, The said commission did accordingly take cognizance of the said claim and did, upon the hearing thereof at the August term, A. D. 1895, adjudge the same to be valid, and did award the petitioner relief touching the same against the State, to-wit: the sum of \$1,500.00; and

WHEREAS, The said award remains in full force and is wholly unsatisfied; therefore,

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$1,000.00 be and the same is hereby appropriated out of any money in the treasury of the State not otherwise appropriated for the full and final liquidation, payment and discharge of the said claim of the said Frederick Klor, and the said judgment and award of the said Commission of Claims in his behalf.

APPROVED May 14, 1897.

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FURNISHING AND CARING FOR MEMORIAL HALL IN CHICAGO PUBLIC LIBRARY.

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| § 1. Appropriates \$31,000 for furnishing and caring for Memorial Hall and ante-rooms, Chicago Public Library. | § 2. Contracts—How made.<br>§ 3. How drawn. |
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*AN ACT to appropriate thirty-one thousand dollars for the purpose of furnishing and caring for the Memorial Hall, constructed in the Public Library Building in the City of Chicago.*

WHEREAS, By an act of the General Assembly of the State of Illinois, approved June 2, 1891, the directors of the Chicago Public Library were authorized to erect a library building on Dearborn Park, in the city of Chicago, and in consideration thereof were required to construct in such building and turn over to the Grand Army Hall and Memorial Association of Illinois, for the period of fifty years, a Memorial Hall, to "commemorate the patriotism and sacrifices of the Union soldiers and sailors in the late civil war;" and,

WHEREAS, No provision was made by said act for furnishing and caring for such Memorial Hall during the time the same is under the management and control of the said Grand Army Hall and Memorial Association; and,

WHEREAS, The said Grand Army Hall and Memorial Association of Illinois is composed entirely of veterans of the late war, and has no funds with which to furnish and care for said Memorial Hall; and,

WHEREAS, It is eminently fitting that the great State of Illinois, that furnished a Lincoln, a Grant, a Logan and two hundred and fifty thousand men to save the Union, should maintain, in its principal commercial metropolis, some memorial structure that shall not only perpetuate the memory of her distinguished sons, but also bear witness to all coming generations that the patriotic deeds of those who, in a less conspicuous position, served their country in its day of peril are never to be forgotten; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated the sum of thirty-one thousand dollars for the purpose of furnishing and caring for the Memorial Hall and ante-rooms in the Public Library building in the city of Chicago.

§ 2. That all contracts for the furnishing and caring for said Memorial Hall and ante-rooms shall be made by and through the board of directors of the Grand Army Hall and Memorial Association of Illinois; but no such contract shall be legal and binding until the same is approved by the Governor of the State.

§ 3. That the Auditor of Public Accounts be and he hereby is directed to draw warrants on the State Treasurer for the amount of bills incurred for the purpose aforesaid, not exceeding in the aggregate the amount aforesaid, and when such bills are duly approved of by the Governor, the State Treasurer is hereby directed to pay all such warrants.

APPROVED April 1, 1897.

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GENERAL ASSEMBLY—COMMITTEE EXPENSES.

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|---|-----------------|
| § 1. Appropriates \$5,000 to pay the expenses of the committees of the 40th General Assembly. | § 2. Emergency. |
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AN ACT to make an appropriation for the payment of the expenses of the committees of the 40th General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the additional sum of five thousand (5,000) dollars, or so much thereof as may be necessary, be and is hereby appropriated to pay the expenses of the committees of the present General Assembly while in the discharge of special duties under the direction of either branch thereof, such expenses to include reasonable compensation to the sergeant-at-arms of

the Senate and the doorkeeper of the House for serving the processes of the Senate and House and of the committees thereof, and to be certified and paid as may be provided by resolution of either house.

§ 2. WHEREAS, The funds already appropriated for the above purpose have been exhausted, and the above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED June 3, 1897.

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GENERAL ASSEMBLY, COMMITTEE EXPENSES.

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| <p>§ 1. Appropriates \$5,000 to pay the expenses of the committees of the Fortieth General Assembly.</p> | <p>§ 2. How drawn.</p> |
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AN ACT to make an appropriation for the payment of the expenses of the committees of the Fortieth General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the additional sum of five thousand (5,000) dollars, or so much thereof as may be necessary, be, and is hereby appropriated to pay the expenses of the committees of the General Assembly while in the discharge of special duties under the direction of either branch thereof, such expense to include reasonable compensation to the sergeant-at-arms of the Senate and the doorkeeper of the House for serving the processes of the Senate and House and of the committees thereof and to be certified and paid as may be provided by resolution of either house; *Provided*, that no part of the same shall be allowed for any member for railroad fare or expenses of any kind not actually paid by him.

§ 2. WHEREAS, The funds already appropriated for the above purpose have been exhausted and the above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED June 5, 1897.

## GENERAL ASSEMBLY EMPLOYES.

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| § 1. Appropriates \$50,000 to pay the employés of the Fortieth General Assembly—How drawn. | § 2. Emergency. |
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AN ACT making appropriation for the payment of the employés of the Fortieth General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, to pay the employés of the Fortieth General Assembly, at the rate of compensation allowed by law. Said employés to be paid upon rolls certified to by the presiding officers of the respective houses, or as otherwise provided by law.

§ 2. WHEREAS, The above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED January 20, 1897.

## GENERAL ASSEMBLY EMPLOYES.

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| § 1. Appropriates \$60,000 to pay the employés of the Fortieth General Assembly—How drawn. | § 2. Emergency. |
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AN ACT making appropriation for the payment of the employés of the Fortieth General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of sixty thousand dollars (\$60,000), or so much thereof as may be necessary, to pay the employés of the Fortieth General Assembly, at the rate of compensation allowed by law. Said employés to be paid upon rolls certified to by the presiding officers of the respective houses, or as otherwise provided by law.

§ 2. WHEREAS, The above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED April 2, 1897.

## GENERAL ASSEMBLY EMPLOYEES.

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| <p>§ 1. Appropriates \$2,500 to pay the employés of the 40th General Assembly. How drawn.</p> | <p>§ 2. Emergency.</p> |
|---|------------------------|

*AN ACT making appropriations for the payment of the employés of the Fortieth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the additional sum of two thousand five hundred (\$2,500) dollars, or so much thereof as may be necessary, to pay the employés of the Fortieth General Assembly, at the rate of compensation allowed by law. Said employés to be paid upon rolls certified to by the presiding officers of the respective houses, or as otherwise provided by law.

§ 2. WHEREAS, The above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED June 3, 1897.

## GENERAL ASSEMBLY, INCIDENTAL EXPENSES.

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| <p>§ 1. Appropriates \$15,000 to pay the incidental expenses of the Fortieth General Assembly and to the Secretary of State for the discharge of his duties.</p> | <p>§ 2. How drawn.<br/>§ 3. Emergency.</p> |
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*AN ACT to provide for the incidental expenses of the Fortieth General Assembly of the State of Illinois, and for the care and custody of the State House and Grounds, incurred or to be incurred, and now unprovided for.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be required, is hereby appropriated to pay the incidental expenses of the Fortieth General Assembly, or either branch thereof, or by the Secretary of State in the discharge of the duties imposed on him by law, or by the direction of the General Assembly, or either branch thereof. All expenditures to be certified to by the Secretary of State and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the sum herein specified, upon presentation of the proper vouchers, and the

State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriation above recited is necessary for the expenses incurred for the transaction of the business of the State and the General Assembly, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED January 20, 1897.

#### GENERAL ASSEMBLY, INCIDENTAL EXPENSES.

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| § 1. Appropriates \$7,500 to pay the incidental expenses of the Fortieth General Assembly and to the Secretary of State for the discharge of his duties. | § 2. How drawn.<br>§ 3. Emergency. |
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*AN ACT to provide for the incidental expenses of the Fortieth General Assembly of the State of Illinois, and for the care and custody of the State House and Grounds, incurred or to be incurred, and now unprovided for.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the additional sum of seven thousand five hundred (7,500) dollars, or so much thereof as may be required, is hereby appropriated to pay the incidental expenses of the Fortieth General Assembly, or either branch thereof, or by the Secretary of State in the discharge of the duties imposed on him by law, or by the direction of the General Assembly, or either branch thereof. All expenditures to be certified to by the Secretary of State and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the sum herein specified, upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriation above recited is necessary for the expenses incurred for the transaction of the business of the State and the General Assembly, therefore an emergency exists and this act shall take effect from and after its passage.

APPROVED April 2, 1897.

## ILLINOIS AND MICHIGAN CANAL.

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| § 1. Appropriates \$100,000 for necessary and extraordinary repairs.<br>§ 2. Emergency appropriation. | § 3. Board of canal commissioners to keep account of emergency appropriation used by them—report to Governor.<br>§ 4. Emergency. |
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*AN ACT making an appropriation for the necessary and extraordinary repairs and protection of the Illinois and Michigan Canal.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of making necessary and extraordinary repairs and providing means for maintaining the Illinois and Michigan Canal in a navigable condition, there is hereby appropriated the sum of one hundred thousand dollars: *Provided*, that the said canal commissioners may only use the sum of fifty thousand dollars of this appropriation for the immediate extraordinary repairs and protection that is necessary to keep the said canal in a proper and navigable condition and preserve the same from damage, which sum of fifty thousand dollars shall be paid to the treasurer of the board of canal commissioners upon the order of said commissioners, and the treasurer of said board filing his receipt therefor with the Auditor, who shall, upon the filing of said receipt with him by the treasurer of said board, issue his warrants upon the State Treasurer for the said sum of fifty thousand dollars, which sum shall be used by said canal commissioners for the purposes herein stated and under the rules and regulations of said board: *Provided, further*, that the remaining fifty thousand dollars of this appropriation shall remain in the State treasury and be held as an emergency appropriation, to be used only by said canal commissioners in case of damage or accident to said canal, for the repairing of which there is no other fund which said commissioners can use for the purpose of repairing or protecting said canal.

§ 2. The emergency appropriation made by this act shall only be paid out upon a detailed statement made by the canal commissioners, showing the need therefor, filed with the Auditor, bearing the order of said canal commissioners, and approved by the Governor.

§ 3. Said board of canal commissioners shall keep an accurate account of the amount of such emergency appropriation received by them, if any, together with their disbursements and expenditures of such emergency appropriation, if any, showing for what and how said sum was expended, which report shall accompany their annual report to the Governor and be made a part thereof.

§ 4. WHEREAS, The present condition of said canal is such as to demand immediate repairs in order that the same may be maintained in a safe and navigable condition, therefore an emergency exists and this act shall take effect upon and after its passage.

APPROVED June 7, 1897.

## ILLINOIS STATE POULTRY ASSOCIATION.

§ 1. Illinois State Poultry and Pet Stock Association legalized.  
 § 2. Officers. Bonds.

§ 3. Annual Exhibition.  
 § 4. Appropriates \$2,000 for the use and benefit of the Association. How drawn.

*AN ACT legalizing the Illinois State Poultry Association, to define certain duties of said association, to make an appropriation therefor.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the regularly organized and incorporated society known as the Illinois State Poultry and Pet Stock Association, whose articles of incorporation are recorded in the office of the Secretary of State, be and the same is hereby legalized by the State of Illinois.

§ 2. The officers of this corporation shall consist of a president, vice president, secretary, treasurer and executive committee, consisting of five responsible men. Secretary to give bond for two thousand dollars, treasurer to give bond for five thousand dollars, to be approved by the president and executive committee. The officers shall be elected annually at the regular meeting in January by a majority of the members of said association.

§ 3. The Illinois State Poultry and Pet Stock Association shall hold the annual exhibition during the month of January, at such place in the State as the officers may select, the object of which shall be for the advancement along poultry lines, such as exhibition of poultry, gathering statistics and diffusing practical knowledge on subjects pertaining to the poultry interests of the State, by addresses, papers, discussions and such other means as the officers may direct.

§ 4. The sum of two thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated for the use and benefit of said association, and the State Auditor is hereby authorized to draw his warrant for the same and deliver to the president and treasurer of the Illinois State Poultry and Pet Stock Association, upon their presenting proper vouchers therefor, certified to by the president and secretary of said association, said amount to be used for the purpose of premiums and defraying the expenses incurred in holding their annual exhibition, such as getting out premium lists and for such other purposes as in the judgment of the officers shall best subserve the poultry interests of the State of Illinois.

APPROVED June 9, 1897.



## INDUSTRIAL HOME FOR THE BLIND.

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| § 1. Appropriates \$13,900 for repairs, appliances, library, instructors, etc., and \$8,000 per annum for ordinary running expenses. | § 2. How drawn. |
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*AN ACT making appropriations for the Illinois Industrial Home for the Blind at Chicago.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and hereby is appropriated to the Illinois Industrial Home for the Blind at Chicago the following amounts, for the purposes hereinafter named.*

For completing the fourth floor of dormitory and the basement and furnishing same, five thousand dollars (\$5,000).

For tanks and fixtures for factory and dormitory, fifteen hundred dollars (\$1,500).

For moving and rebuilding refrigerator, one hundred and fifty dollars (\$150).

For moving hot water tank, two hundred dollars (\$200).

For building vaults for books and records, seven hundred and fifty dollars (\$750).

For repairs and painting of building and laying walks around ground, one thousand dollars (\$1,000).

For necessary appliances in establishing industries for female inmates, one thousand five hundred dollars (\$1,500).

For instructors, four thousand dollars (\$4,000).

For library for the blind, three hundred dollars (\$300).

For ordinary running expenses, eight thousand dollars (\$8,000) per annum.

§ 2. The moneys herein appropriated shall be due and payable to the trustees of said institution on their order only on the terms and in the manner now provided by law.

APPROVED June 11, 1897.

MONUMENTS TO MARK BATTLEFIELDS AT CHICAMAUGA, GEORGIA, LOOK-  
OUT MOUNTAIN AND MISSIONARY RIDGE.

§ 5. Commissioner to use unexpended balance. Emergency.

AN ACT to amend an act entitled "*An act to provide for the erection of monuments to mark the positions occupied by Illinois Volunteers in the battles of Chicamauga, Georgia, Lookout Mountain and Missionary Ridge, Tennessee,*" approved May 22, 1895, by adding another section thereto.

WHEREAS, The commissioners appointed under said act have ascertained that owing to the fact that the United States government has only obtained a right of way fifty feet in width along the crests of Missionary Ridge and Lookout Mountain, and that owing to the precipitous character in many places of such right of way, it is impossible to erect monuments upon said battlefields of Missionary Ridge and Lookout Mountain to each individual regiment and battery, as contemplated by section 2 of said act; and,

WHEREAS, Said commissioners, from the amount appropriated by said act for the construction, delivery and erection of such monuments and markers to each of said individual regiments and batteries, have still on hand and unexpended the sum of over forty thousand dollars available for that purpose; therefore,

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Section 5. That said commissioners be and they are hereby authorized and empowered to use said unexpended balance, or such part or portion thereof as may be by them deemed advisable in the construction, delivery and erection of one or more group monuments upon said battlefields of Missionary Ridge and Lookout Mountain, made of granite and appropriately inscribed to the several regiments and batteries of Illinois volunteers engaged in said battles, and in the construction, delivery and erection of markers for each regiment and battery engaged in said battles, all at a cost, however, not to exceed the said unexpended balance now in the hands of said commissioners, and said unexpended balance is hereby reappropriated for that purpose.

WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED June 9, 1897.

## MORRILL SPRAGUE AND ELIZABETH H. RYAN.

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|---|-----------------|
| § 1. Appropriates \$31.50 to pay Morrill Sprague and Elizabeth H. Ryan for services rendered the State in the Cutting case. | § 2. How drawn. |
|---|-----------------|

*AN ACT to appropriate money to pay for services rendered the State of Illinois in the case of Catharine Cutting against the State of Illinois, before the Commission of Claims.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and is hereby appropriated to Morrill Sprague, Joliet, Illinois, the sum of fifty dollars (\$50), and to Elizabeth H. Ryan, Joliet, Illinois, the sum of thirty-one and 50-100 dollars (\$31.50-100), for services rendered in taking depositions of witnesses called on behalf of the State in the case of Catharine Cutting against the State before the commission of claims.*

§ 2. The Auditor of Public Accounts shall draw warrants in favor of said persons respectively for the amounts herein appropriated, and the State Treasurer shall pay the same out of any money in the treasury not otherwise appropriated.

APPROVED June 7, 1897.

## MRS. ALBERT W. WELLS.

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| § 1. Balance of salary due Hon. Albert W. Wells, deceased. | § 2. Emergency. |
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*AN ACT to pay the balance of the salary of Hon. Albert Wells to his widow, Mrs. Albert W. Wells.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the Auditor of Public Accounts is hereby authorized and directed to pay to Mrs. Albert W. Wells, of Quincy, Illinois, the balance of the salary due Hon. Albert W. Wells, deceased, from the date of his death until the expiration of the present session of the General Assembly.*

§ 2. Whereas an emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED June 9, 1897.

## MRS. WILLIAM MCADAMS

- § 1. Appropriates \$100 to pay the widow of the late William McAdams. | § 2. How drawn.

*AN ACT for an appropriation for the purpose of paying certain claims to the widow of the late William McAdams for services rendered the World's Fair.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and there is hereby appropriated out of the State treasury the sum of \$100.00 for the purpose of paying to the widow of the late William McAdams for services rendered the world's fair.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant on the State Treasury for any part of said amount upon an itemized statement of proofs, certified to by the Secretary of State and approved by the Governor.

APPROVED June 10, 1897.

## NATIONAL GUARD.

- § 1. Appropriates \$30,000 to pay the indebtedness of the Illinois National Guard for the year ending June 30, 1897. | § 2. How drawn.  
| § 3. Emergency.

*AN ACT making an appropriation for the Illinois National Guard.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of thirty thousand (30,000) dollars, or so much thereof as may be necessary, to pay the indebtedness of the Illinois National Guard for the year ending June 30, 1897.

§ 2. The Auditor of Public Accounts is hereby ordered to draw his warrant upon the State Treasurer for the money hereby appropriated, upon presentation of proper vouchers certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

§ 3. WHEREAS, An emergency exists, and this act shall take effect from and after its passage.

APPROVED May 27, 1897.

## NATIONAL GUARD.

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|---|-----------------|
| § 1. Appropriates \$205,000 per annum for ordinary and contingent expenses. | § 2. How drawn. |
|---|-----------------|

*AN ACT to provide for the ordinary and contingent expenses of the Illinois National Guard and the improvement and repair of the rifle ranges of the Illinois National Guard.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of two hundred and five thousand (\$205,000) dollars per annum, or so much thereof as may be necessary, is hereby appropriated to pay the ordinary and contingent expenses of the Illinois National Guard and for the improvement and repair of the rifle ranges for the Illinois National Guard.

§ 2. The Auditor of public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the proper fund.

APPROVED May 27, 1897.

## NATIONAL GUARD.

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| § 1. Appointment of Board of Commissioners.                 | § 3. Executive officer.                     |
| § 2. Board of Commissioners to exercise general management. | § 4. Appropriates \$10,000 to pay expenses. |
|   | § 5. Buildings.                             |

*AN ACT making an appropriation for payment of the expenses of forming parade grounds and erecting an armory for the use of those organizations of the Illinois National Guard stationed in the City of Chicago.*

WHEREAS, The City of Chicago has, by an ordinance passed by the council of said city on the 27th day of July, 1896, entitled "An ordinance granting consent to the South Park Commissioners to take, regulate, control and govern all that part of the Lake Front Park lying south of the north line of Jackson street extended east," in the seventh section of said ordinance dedicated "All that portion of said Lake Front Park lying east of the easterly line of the Illinois Central Railroad Company's right of way, and lying north of the north line of Monroe street extended to the east limits of said park at the outer sea wall," "to the use of the local military com-

panies of the Illinois National Guard for the purpose of parade grounds and a site for armory and other like uses by said military organizations," and,

WHEREAS, It is highly advisable that there be an established and suitable parade ground and armory for such organizations; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a board of commissioners, to consist of three members, to be appointed and subject to removal by the Governor, is hereby constituted for the purpose of planning and constructing a parade ground and armory on the above named grounds solely for such organizations, and their successors, of the Illinois National Guard. In case of the death or resignation of any member or members of such board before the completion of the work provided for by this act, the remaining members shall elect another, or others, to fill the vacancy or vacancies, subject to the approval of the Governor.

§ 2. The said board of commissioners shall exercise the general management, control and supervision of all matters pertaining to the ground and structure, shall make and authorize to be made the necessary contracts for the building, fittings, labor and material required to accomplish the purposes of this act, and shall pay the cost and expenses of the same and the expenses of the said board from the funds hereinafter appropriated for the purpose. All contracts, however, shall be submitted to the Governor of this State for his approval before they are signed. The said board shall also, at the expiration of sixty days after their appointment hereunder, and at the expiration of each successive period of sixty days, make to the Governor of this State a full detailed report of the transactions and expenditures of said board under the authority conferred and in discharge of the duties imposed upon said board by this act.

§ 3. The said board of commissioners may, in their discretion, employ a competent person as an executive officer for continuous service in connection with the accomplishment of the purpose of this act, whose powers and duties shall be prescribed by said board of commissioners and whose compensation shall be fixed by them, subject to the approval of the Governor. Said executive officer shall be removable at the pleasure of said board of commissioners. The said board shall elect a president from among their own members, and a secretary.

§ 4. The sum of ten thousand (10,000) dollars for the year beginning July 1, 1897, or so much thereof as may be necessary for the purpose, is hereby appropriated to defray the cost and expenses of the work contemplated by this act, to be paid by the State Treasurer from funds not otherwise appropriated, upon warrants drawn by the Auditor of Public Accounts, which warrants shall be drawn only upon vouchers accompanied by itemized bills, signed by the president of said board of commissioners, countersigned by the secretary thereof and approved by the Governor.

§ 5. The building authorized by this act to be constructed, and all improvements made on the grounds thereabout, with the funds provided by this act, shall remain the property of the State of Illinois. Before any money is drawn from the treasury for the purposes of this act, the city of Chicago shall enter into a contract with the said board of commissioners, as herein provided, to the effect that the right of the State of Illinois to the use and occupation by said organizations of all the land to be utilized for said parade grounds and armory, to-wit: All that portion of said Lake Front Park lying east of the easterly line of the Illinois Central Railroad Company's right of way and lying north of the north line of Monroe street extended to the east limits of said park at the outer sea wall, as set forth in section seven of an ordinance passed by the city council of Chicago on the 27th day of July, 1896, entitled, "An ordinance granting consent to the South Park Commissioners to take, regulate, control and govern all that part of the Lake Front Park lying south of the north line of Jackson street extended east," shall be perpetual, and the title to all buildings, improvements and fixtures put thereon under the provisions of this act shall be and remain in the State of Illinois. The said board of commissioners are hereby authorized and required to make and enter into the contract provided for herein, on the part of the State, after the same shall have been approved by the Governor of the State.

APPROVED June 11, 1897.

#### NORTHERN ILLINOIS STATE NORMAL SCHOOL

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|--|-----------------|
| § 1. Appropriates \$25,000 for the year 1897,<br>and \$50,000 for the year 1898, for the<br>purpose of completing, heating and<br>lighting school. | § 2. How drawn. |
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#### *AN ACT making appropriation for the Northern Illinois State Normal School.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of twenty-five thousand dollars, for the fiscal year beginning July 1, 1897, and the sum of fifty thousand dollars, for the fiscal year beginning July 1, 1898, be and is hereby appropriated to the Northern Illinois State Normal School, for the purpose of completing said school building, improving the grounds, purchasing the necessary heating and lighting apparatus, plumbing, furniture and such other fixtures and supplies as may be required to carry out the provisions of an act approved May 22, 1895, to establish and maintain the said Northern Illinois State Normal School.

§ 2. That the Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid sum of money, upon the order of the board of trustees of said Northern Illinois State Normal School, signed by the president and attested by the secretary of said board, with corporate seal of said institution attached, and approved by the Governor.

APPROVED June 10, 1897.

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PAINTING PORTRAIT OF EX-GOVERNOR JOHN P. ALTGELD.

§ 1. Appropriates a sum not to exceed \$1,000 for painting a portrait of ex-Governor John P. Altgeld.

*AN ACT making appropriation for the painting of a portrait of ex-Governor John P. Altgeld.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated out of the money in the treasury not otherwise appropriated a sum sufficient to have painted and framed a portrait of ex-Governor John P. Altgeld, to be hung in the executive office: *Provided*, said amount shall not exceed the sum of one thousand dollars, to be paid on order of the Secretary of State and approved by the Governor.

APPROVED June 3, 1897.

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PAINTING SUPREME COURT BUILDING.

§ 1. Appropriates \$3,000 for the purpose of painting and repairing Supreme Court building at the city of Mt. Vernon.

*AN ACT making an appropriation for the painting and repairing of Supreme Court building in the city of Mt. Vernon.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated the sum of three thousand dollars (\$3,000), or so much thereof as may be necessary, for the purpose of painting and repairing the Supreme Court building at the city of Mt. Vernon, Illinois. Said painting and repairing to be under the supervision of the clerk of the Appellate Court of the fourth district, payment to be made upon bills certified by at least two judges of said Appellate Court, approved by the Governor.

APPROVED June 7, 1897.



## PENITENTIARIES—JOLIET.

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| <p>§ 1. Enacting clause.</p> <p>§ 2. Appropriates \$100,000 per annum for contingent expenses.</p> | <p>§ 3. Appropriates \$25,000 per annum for painting, relaying floors, etc., and for construction of walls and gates to enclose the prison for the use of female convicts \$20,000, and for reservoir, water mains, etc., \$5,000.</p> <p>§ 4. How drawn.</p> |
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*AN ACT making appropriations for the Illinois State Penitentiary at Joliet for the two years beginning July 1, 1897, and ending July 1, 1899.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and the same are hereby appropriated for the purposes hereinafter named and none other, and payable only according to law.

§ 2. To the Illinois State Penitentiary at Joliet, for contingent expenses, the sum of one hundred thousand (100,000) dollars per annum, or so much thereof as may be necessary.

§ 3. For painting, relaying floors, repairing and renewing roofs and walls of buildings, renewing and rebuilding steam and water pipes, engines, boilers and machinery, and making such other repairs and renewals as may be required to keep said prison plant in ordinary repair, the sum of twenty-five thousand (25,000) dollars per annum, or so much thereof as may be necessary.

For construction of suitable walls and gates to enclose the prison for the use of female convicts, the sum of twenty thousand (20,000) dollars.

For the purchase of one hot water heater and connecting same with boiler, twelve hundred (1,200) dollars.

For apparatus for handling coal, also preparing room for storage of coal in boiler house, five thousand (5,000) dollars.

For preparing suitable reservoir, water mains and filter for providing water supply for steam purposes, and conducting the same from the canal to the power house, the sum of eight thousand (8,000) dollars.

§ 4. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the moneys hereinbefore appropriated, upon the order of the board of commissioners of said penitentiary, signed by the president and attested by the secretary, with the seal of said institution attached, and approved by the Governor.

APPROVED June 7, 1897.

## PENITENTIARIES—SOUTHERN.

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|--|-----------------|
| § 1. Appropriates \$89,556.49 to meet deficiency in the ordinary expenses and \$8,000 for bills of February. | § 3. Emergency. |
| § 2. How drawn.  |                 |

*AN ACT to provide for a deficiency in the ordinary expenses of the Southern Illinois Penitentiary, and for the repairs of buildings damaged by fire.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$89,556.49, or so much thereof as may be necessary, be and is hereby appropriated to meet a deficiency in the ordinary expenses of the Southern Illinois Penitentiary for the fiscal year ending June 30, 1897, and the further sum of \$8,000 for bills for February account of ordinary expenses.

§ 2. The moneys hereby appropriated shall be due and payable to the commissioners of the Southern Illinois Penitentiary, or their order, only on the terms and in the manner now provided by law.

§ 3. WHEREAS, The money hereby appropriated is needed at once for the payment of debts already contracted, and the payment of the ordinary expenses of the said penitentiary; therefore, an emergency exists, and this act shall take effect from and after its passage.

APPROVED May 4, 1897.

## PENITENTIARIES—SOUTHERN.

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|--|-----------------|
| § 1. Appropriates for ordinary expenses, and to enable the commissioners to keep the convicts employed, etc., \$100,000.00 per annum; and for contingent expenses, repairs, improvements, etc., \$48,100.00. | § 2. How drawn. |
|--|-----------------|

*AN ACT making an appropriation for the Southern Illinois Penitentiary, and to enable the commissioners thereof to keep employed the convicts now idle or without profitable employment in said penitentiary.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts, or so much thereof as may be necessary, be and the same are hereby appropriated to the Southern Illinois Penitentiary for purposes hereinafter named and no other:

For ordinary expenses for the two years ending June 30, 1899, and to enable the commissioners to keep employed the convicts now idle or without profitable employment in said penitentiary, and the commissioners are hereby authorized to expend so much of the amount hereby appropriated as may be necessary for tools, machinery, fixtures and materials sufficient to keep employed, as nearly as may be, all prisoners who are now or may hereafter become idle, and to provide for the sale of goods therein manufactured, and said commissioners shall employ said prisoners at such occupations as are best adapted to secure their health, discipline and reformation, the sum of one hundred thousand dollars (\$100,000) per annum.

For contingent expenses, ten thousand dollars (\$10,000).

For the necessary materials and the building of a stone wall around the prison 24 feet high, ten thousand dollars (\$10,000).

For replumbing the warden house and putting in a new heating system, eight thousand dollars (\$8,000).

For repairs and refurnishing, six thousand dollars (\$6,000).

For the necessary materials and the building of a store house, engine room and enameling room for the foundry, four thousand five hundred dollars (\$4,500).

For the necessary materials and the building of an additional house to increase the knitting department, three thousand dollars (\$3,000).

For the purchase of milch cows for the use of the prison, one thousand dollars (\$1,000).

For the repairing of cow and hog barns, and fencing the yards connected therewith, one thousand dollars (\$1,000).

For the purchase of two teams of horses, four hundred dollars (\$400).

For the purchase of six pairs of mules, twelve hundred dollars (\$1,200).

For the purchase of machinery and the necessary materials to put the machinery department in repair and of sufficient capacity for the prison, two thousand five hundred dollars (\$2,500).

For maintaining library, two hundred and fifty dollars (\$250) per annum.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the moneys herein appropriated in such sums and at such times as the same may be required, upon the order of the board of commissioners of said penitentiary, signed by the president and attested by the secretary, with the seal of said institution and the approval of the Governor thereto attached.

APPROVED May 14, 1897.

## RAILROAD AND WAREHOUSE COMMISSIONERS.

- § 1. Appropriates \$1,100 to pay expenses of suits, investigations, etc., and \$200 for publication of schedules, etc. Emergency.

*AN ACT to provide for a deficiency in the expenses of the office of the Board of Railroad and Warehouse Commissioners for the fiscal year ending June 30, A. D. 1897.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following named sums, or so much thereof as may be necessary, respectively for the purposes hereinafter named, be and are hereby appropriated for the expenses of the Board of Railroad and Warehouse Commissioners for the fiscal year ending with the 30th of June, A. D. 1897:

First—To the Board of Railroad and Warehouse Commissioners for any expenses incurred in suits or investigations commenced by authority of the State under any law now in force, or hereafter enacted, empowering or entrusting the Board of Commissioners, including the fees of experts employed and clerical help, the sum of \$1,100; and for the printing and publication of schedules of reasonable maximum rates of charges for the transportation of passengers, freights and cars, made or revised for any or all of the railroads of the State, as provided by law, the sum of \$200, to be paid on bills of particulars certified to by the Railroad and Warehouse Commission and approved by the Governor.

Second—WHEREAS, Said sums of money are immediately necessary, therefore an emergency exists, and this bill shall take effect from and after its passage.

APPROVED May 27, 1897.

## SOLDIERS' WIDOWS' HOME.

- § 1. Appropriates for ordinary expenses, \$15,000 per annum, and for new wing, fencing, telephone, horses, carriages, cows, repairs, plumbing and furnishing, \$26,100.

*AN ACT making appropriations for the Soldiers' Widows' Home of for the two years beginning July 1, 1897, and ending July 1, 1899*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and are hereby appropriated for the purpose hereinafter named and none other, and payable according to law:

Appropriation for ordinary expenses of Soldiers' Widows' Home of Illinois,.....		\$15,000 per annum
For one wing of a new building to accommodate forty persons.....	20,000	
Fencing and improving grounds.....	500	
Telephone and connection.....	300	
Horses .....	200	
Carriages.....	100	
Cows.....	200	
Feed for horses and cows.....	300	
Painting and general repairs.....	500	
Plumbing and heating apparatus.....	2,000	
Furnishing new building.....	2,000	
APPROVED June 10, 1897.		

## STATE BOARD OF AGRICULTURE.

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|---|--|
| § 1. Appropriates \$13,920 per annum for salary of secretary, clerk hire, porter, etc., and \$10,000 for the encouragement of an exhibit at the Fat Stock Show. | § 2. How drawn.<br>§ 3. Biennial report to Governor. |
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*AN ACT making appropriations for the State Board of Agriculture and County and other Agricultural Fairs.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and is hereby appropriated to the State Board of Agriculture the following sums, to-wit:*

For the encouragement of an exhibit at the State Fair, the sum of five thousand dollars (\$5,000) per annum for the years 1897 and 1898; for the encouragement of an exhibit at the Fat Stock Show, the sum of ten thousand dollars (\$10,000), and for the use of each county or other agricultural society, the sum of two hundred dollars (\$200) per annum, to be paid to the treasurer of the society for fairs held in 1896 and 1897.

For the salary of secretary, the sum of twenty-five hundred dollars (\$2,500) per annum for the years 1897 and 1898.

For clerk hire, the sum of twenty-two hundred dollars (\$2,200) per annum for the years 1897 and 1898.

For curator, the sum of eight hundred dollars (\$300) per annum for the years 1897 and 1898.

For porter, the sum of seven hundred and twenty dollars (\$720) per annum for the years 1897 and 1898.

For the agricultural museum, the sum of three hundred dollars (\$300) per annum for the years 1897 and 1898.

For the expense of collecting, compiling and publishing live stock and agricultural statistics, the sum of six hundred dollars (\$600) per annum for the years 1897 and 1898.

For the agricultural library, the sum of four hundred dollars (\$400) per annum for the years 1897 and 1898.

For office expenses, furniture, repairs, postage, expressage, etc., the sum of twelve hundred dollars (\$1,200) per annum for the years 1897 and 1898.

§ 2. That, on the order of the president, countersigned by the secretary of the State Board of Agriculture, and approved by the Governor, the Auditor of Public Accounts shall draw his warrant upon the Treasurer, in favor of the treasurer of the Illinois State Board of Agriculture for the sums herein appropriated: *Provided*, that each warrant on account of county or other agricultural fairs shall show the agricultural society for whose benefit the same is drawn, and that no warrant shall be drawn in favor of any agricultural society unless the order aforesaid be accompanied by a certificate of the State Board of Agriculture, showing that such agricultural society held an agricultural fair during the preceding year in compliance with the rules and regulations as provided by said State Board of Agriculture: *Provided, further*, that no warrant shall be drawn in favor of any agricultural society until the president and treasurer of such society file an affidavit with the State Board of Agriculture that no wheel of fortune or other gambling device was licensed or allowed upon their fair grounds.

§ 3. It shall be the duty of the treasurer of the State Board of Agriculture, on the order of the president, countersigned by the secretary of the State Board of Agriculture, to pay over to the treasurer of each agricultural society the sum received for its use and benefit, as aforesaid, and make biennial report to the Governor of all such appropriations received and disbursed by him.

APPROVED June 11, 1897.

## STATE BOARD OF AGRICULTURE.

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|---|-----------------|
| § 1. Appropriates \$71,500 for the construction of permanent buildings and the improvement of the State Fair grounds. | § 2. How drawn. |
|---|-----------------|

*AN ACT making appropriation for the State Board of Agriculture, to be used in the construction of permanent buildings and improvements, and for beautifying the State Fair Grounds at Springfield, Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the sum of seventy-one thousand five hundred dollars (\$71,500), or so much thereof as may be necessary, out of the State treasury not otherwise appropriated, be and the same is hereby appropriated to the State Board of Agriculture for the construction of permanent buildings for the State Fair and for the improvement and beautifying of the State fair grounds, viz.:*

For a poultry building, the sum of ten thousand dollars (\$10,000).

For additional stables for horses and cattle, the sum of fourteen thousand dollars (\$14,000).

For the improvement and beautifying of the grounds, the sum of ten thousand dollars (\$10,000).

For an extension to machinery hall, the sum of ten thousand dollars (\$10,000).

To reimburse the State Board of Agriculture for moneys advanced, the sum of twenty-seven thousand five hundred dollars (\$27,500).

§ 2. That on the order of the president, countersigned by the secretary of the State Board of Agriculture, and approved by the Governor, the Auditor of Public Accounts shall draw his warrant upon the State Treasurer in favor of the treasurer of the Illinois State Board of Agriculture for the sums herein appropriated: *Provided*, that all of said money shall be paid in installments from time to time as the same shall be needed to pay for the improvements authorized by this act, and on vouchers to be approved by the Governor.

APPROVED June 11, 1897.

STATE BOARD OF ARBITRATION.

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| <p>§ 1. Enacting clause.</p> <p>§ 2. Appropriates for stationery, postage and other expenses of the office \$500; for traveling expenses of the members and the secretary. \$400.</p> | <p>§ 3. How drawn.</p> <p>§ 4. Emergency.</p> |
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*AN ACT making appropriations for the State Board of Arbitration.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the following sums be and the same are hereby appropriated for the purposes hereinafter named:*

§ 2. For care, stationery, postage and other necessary expenses of the office of the State Board of Arbitration, from August 2, 1895, to July 1, 1897, the sum of five hundred dollars (\$500), or so much thereof as may be necessary.

For necessary traveling expenses of the members of the State Board of Arbitration, and of the secretary of the board, from August 2, 1895, to July 1, 1897, the sum of four hundred dollars (\$400), or so much thereof as may be necessary.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrant on the Treasurer of the State for the above amounts upon presentation of vouchers properly approved as provided by law.

§ 4. WHEREAS, The said State Board of Arbitration is without any appropriation to defray the ordinary expenses of its office, or the traveling expenses of its members and secretary, therefore an emergency is declared to exist, and this act shall be in force from and after its passage.

APPROVED March 10, 1897.

STATE BOARD OF EQUALIZATION.

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| <p>§ 1. Appropriates \$2,264.40 to pay balance due the members of the State Board of Equalization.</p> | <p>§ 2. How drawn.</p> |
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*AN ACT to appropriate money to pay a deficiency in the expenses of the State Board of Equalization for the sessions held in 1895 and 1896.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and is hereby appropriated the sum of two thousand two hundred sixty-four and*



40-100 (\$2,264.40) dollars for balance due the members of the State Board of Equalization for per diem for holding sessions of the board in the years 1895 and 1896.

§ 2. The Auditor of Public Accounts shall draw his warrant for the balance due each of the members of said board, as shown by the pay rolls, certified by the chairman of the State Board of Equalization, and filed in the Auditor's office.

APPROVED May 14, 1897.

#### STATE BUREAU OF LABOR STATISTICS.

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| § 1. Appropriates \$3,350 to defray expenses<br>of the Commissioners of Labor Sta-<br>tistics. | § 2. How drawn. |
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AN ACT to appropriate money to pay a deficiency in the expenses of the State Bureau of Labor Statistics.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of \$3,350 to defray the current office expenses and the *per diem* and expenses of the Commissioners of Labor Statistics to July 1, 1897.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the money herein appropriated, upon presentation of proper vouchers, to be certified by the president and secretary of the board and approved by the Governor.

APPROVED June 7, 1897.

#### STATE CHARITABLE INSTITUTIONS.

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| § 1. Appropriates to the State Charitable<br>Institutions for the year 1897, \$1,300.-<br>500.00. | § 3. How drawn. |
| § 2. Appropriates to the State Charitable<br>Institutions for the year 1898, \$1,300.-<br>500.00. |                 |

AN ACT making an appropriation for the ordinary expenses of the State Institutions herein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated for the purpose of defraying the ordinary expenses of

the State Institutions named in this act for the year beginning July 1, 1897, the sum of \$1,300,500, payable quarterly in advance, and that the said appropriation shall be apportioned between the institutions as follows:

To the Northern Hospital for the Insane.....	\$162,000
To the Eastern Hospital for the Insane.....	308,000
To the Central Hospital for the Insane.....	150,000
To the Southern Hospital for the Insane.....	140,000
To the Asylum for Insane Criminals.....	35,000
To the Institution for the Deaf and Dumb.....	95,000
To the Institution for the Blind.....	50,000
To the Asylum for Feeble-minded Children.....	105,000
To the Soldiers' and Sailors' Home.....	150,000
To the Soldiers' Orphans' Home.....	57,500
To the Charitable Eye and Ear Infirmary.....	28,000
To the Home for Juvenile Female offenders.....	20,000

§ 2. For the purpose of defraying the ordinary expenses of said institutions for the year beginning July 1, 1898, the sum of \$1,300,500 is appropriated, payable quarterly in advance, and at the same rate thereafter until the expiration of the first fiscal quarter after the adjournment of the next General Assembly, which amount shall be apportioned between the institutions as follows:

To the Northern Hospital for the Insane.....	\$162,000
To the Eastern Hospital for the Insane.....	308,000
To the Central Hospital for the Insane.....	150,000
To the Southern Hospital for the Insane.....	140,000
To the Asylum for Insane Criminals.....	35,000
To the Institution for the Deaf and Dumb.....	95,000
To the Institution for the Blind.....	50,000
To the Asylum for Feeble-minded Children.....	105,000
To the Soldiers' and Sailors' Home.....	150,000
To the Soldiers' Orphans' Home.....	57,500
To the Charitable Eye and Ear Infirmary.....	28,000
To the Home for Juvenile Female offenders.....	20,000

§ 3. The money herein appropriated shall be due and payable to the trustees of the several institutions named, or to their order, only on the terms and in the manner provided in the nineteenth section of an act entitled "An act to regulate the State Charitable Institutions and the State Reform School and to improve their organization and increase their efficiency," approved April 15, 1875.

APPROVED June 10, 1897.

## STATE CHARITABLE INSTITUTIONS.

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| § 1. Appropriates to the State Charitable Institutions \$64,800 per annum, and \$153,200 special. | § 2. How drawn. |
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*AN ACT making appropriations to the State Institutions herein named.*

*SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That the following sums be and are hereby appropriated to the State Institutions named in this act, for the purposes herein stated:*

## TO THE NORTHERN HOSPITAL FOR THE INSANE, ELGIN:

For repairs and improvements.....	\$7,000 per annum
For painting.....	2,000 per annum
For the care and improvement of grounds....	1,000 per annum
For maintenance of library.....	500 per annum
For milch cows.....	1,500
For new beds and furniture.....	3,000
For repairs to farm buildings and implements..	2,500
For roof on main building.....	2,000
For fencing.....	500
For repairs on root house.....	500
For overhauling steam plant.....	2,000
For repairing annex smoke stack.....	1,000
For connections with city water main.....	2,000
For covered walks to dining-room.....	2,000
For repairing dwelling houses for employés....	1,000
For "Tobey" heater.....	1,000
For improvement of kitchen.....	1,000

## TO THE EASTERN HOSPITAL FOR THE INSANE, KANKAKEE:

For repairs and improvements.....	\$10,000 per annum
For furniture fund.....	2,500 per annum
For live stock, implements, etc.....	2,000 per annum
For additions to and improvement of electric plant.....	1,250 per annum
For maintenance of pathological department..	1,250 per annum
For library and medical books.....	1,000 per annum
For painting.....	5,000
For improvement of grounds.....	1,000 per annum

For improvements in drainage and sewerage....	\$1,000 per annum.
For new boilers and improvements in heating and power plants.....	5,000
For filtering basins and reservoir.....	10,000
For new and repairing old plumbing.....	5,000
For repairs to slate roofs.....	3,000

## TO THE CENTRAL HOSPITAL FOR THE INSANE, JACKSONVILLE:

For repairs and improvements.....	\$4,000 per annum.
For painting.....	2,500
For maintenance of library. ....	500 per annum.
For plumbing and improved bath facilities.....	3,000
For repairs to greenhouse.....	500
For electric pump and pipe for water supply ...	4,500
For water heaters for boilers.....	1,000

## TO THE SOUTHERN HOSPITAL FOR THE INSANE, ANNA:

For repairs and improvements.....	\$4,000 per annum.
For maintenance of library.....	200 per annum.
For roads and grounds.....	750 per annum.
For replacing library destroyed by fire .....	500
For painting .....	3,000
For repairs to sewerage.....	2,500
For changing plumbing .....	2,000
For arc dynamo.....	1,800
For equipment of fire department.....	1,000
For installing electric plant.....	1,000
For new boiler house.....	4,000

## TO THE ASYLUM FOR INSANE CRIMINALS, CHESTER:

For repairs and improvements.....	\$1,500 per annum.
For furnishing and furniture.....	1,500 per annum.
For maintenance of library.....	100 per annum.
For building vegetable house.....	1,000
For building cow house and piggery.....	500
For live stock, wagon, buggy and harness .....	500
For electrical supplies.....	500 per annum.
For water supply.....	600

To build a stone wall for the purpose of preventing ground in front of asylum from washing away and injuring the building.....	\$3,000
For new laundry.....	1,500
For fitting up court.....	600
For painting.....	500
For new sewerage.....	300
For new floor in cell house.....	400
For re-wiring old building.....	350
For re-plumbing.....	350

## TO THE HOME FOR JUVENILE FEMALE OFFENDERS, GENEVA:

For finishing and furnishing third story present building.....	\$6,000
For repairs and improvements.....	1,000
For extra water supply.....	500
For improvement of grounds.....	500
For horses, cows, implements and vehicles....	700
For library.....	200

## TO THE CHARITABLE EYE AND EAR INFIRMARY, CHICAGO:

For repairs and improvements.....	\$6,000
For furniture.....	3,000
For laundry (sterilizer, \$2,000, machinery, \$3,000).....	5,000
For household expenses.....	2,000
For clothing and bedding.....	3,000
For instruments and apparatus.....	2,000

## TO THE SOLDIERS' ORPHANS' HOME, NORMAL:

For repairs and improvements.....	\$2,500 per annum
For maintenance of library.....	300 per annum
For iron bedsteads.....	1,000
For ice house.....	400
For outside painting.....	1,500
For equipment of manual training school.....	5,000
For sewerage system.....	6,000

## TO THE SOLDIERS' AND SAILORS' HOME, QUINCY:

For repairs and improvements.....	\$2,500 per annum
For roads and bridges.....	500 per annum
For painting.....	1,000 per annum

For improvement of grounds.....	\$500 per annum
For maintenance of library.....	600 per annum
For repairs of boiler house and smoke stack....	1,000
For morgue for hospital .....	1,000
For metal ceilings for hospital.....	1,000
For repairing sewer and extending sewer-beds...	2,000

## TO THE ASYLUM FOR FEEBLE-MINDED CHILDREN, LINCOLN:

For repairs and improvements.....	\$3,500 per annum
For maintenance of library.....	200 per annum
For new farm fences.....	1,000
For painting.....	2,000
For additional plumbing and repairs.....	1,000
For re-flooring basement.....	3,000
For kitchen and new porch.....	600
For purchase of cows.....	2,000
For chapel annex.....	14,000
To enlarge dining-room.....	2,000

## TO THE INSTITUTION FOR THE BLIND, JACKSONVILLE:

For repairs and improvements.....	\$2,000 per annum
For library and apparatus.....	400 per annum
For repairing pianos.....	250 per annum
For erection of cow barn.....	500
For painting buildings and fences.....	2,000
For covering steam pipes.....	1,000
For electric wiring and fixtures.....	1,500

## TO THE INSTITUTION FOR THE DEAF AND DUMB, JACKSONVILLE.

For repairs and improvements.....	\$4,000 per annum
For maintenance of library.....	500 per annum
For expert medical treatment.....	1,500 per annum
For painting.....	1,000 per annum
For improving trade schools.....	1,000
For repairing fire-alarm and telephone system...	600

§ 2. The moneys herein appropriated shall be due and payable to the trustees of the several institutions herein named, or their order, only on the terms and in the manner now provided by law.

APPROVED June 10, 1897.

STATE GOVERNMENT, OFFICERS AND MEMBERS OF THE FORTY-FIRST  
GENERAL ASSEMBLY.

§ 1. Appropriates \$1,000,000, or so much thereof as may be necessary, to pay the officers of the State government and the next General Assembly.

*AN ACT making appropriation for the payment of the officers, members and employes of the next General Assembly, and for the salaries of the officers of the State government.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of one million dollars (\$1,000,000), or such sum as may be necessary, to pay the officers and members of the next General Assembly, and the salaries of the officers of the State government, at such rate of compensation as is now, or hereafter may be, fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

APPROVED June 10, 1897.

STATE GOVERNMENT.

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| <p>§ 1. Appropriates for the ordinary and contingent expenses of the State Government \$3,082,584.74, as follows:</p> <ol style="list-style-type: none"> <li>1. To the Governor, to be used as a contingent fund, \$5,000 per annum.</li> <li>2. To the Governor, for private secretary, executive clerk and stenographer, \$6,000 per annum.</li> <li>3. To the Governor, for postage, office expenses, etc., \$1,500 per annum.</li> <li>4. To the Governor, for porter, \$720 per annum.</li> <li>5. To the Governor, for repairs and care of executive mansion, etc., \$5,000 per annum.</li> <li>6. To the Secretary of State, for clerk hire, stenographers, janitors, policemen, watchmen, etc., \$69,660 per annum. For corporation department, \$2,500 per annum. For postage, telegraphing, repairs, expressage, etc., \$3,000 per annum. For the care and custody of the State House and grounds, \$10,000 per annum. For enforcing foreign corporation law, \$5,000 per annum.</li> <li>7. For heating, fuel, repairs, etc., \$10,000 per annum. For repairing State House, \$5,000; for repairing executive mansion, \$3,000.</li> </ol> | <ol style="list-style-type: none"> <li>8. For lighting the State House, \$4,000 per annum.</li> <li>9. For library books, \$1,200 per annum. For salary of assistant librarians, \$1,720 per annum.</li> <li>10. For paper and stationery, \$15,000 per annum.</li> <li>11. For public printing, \$50,000; for public binding, \$8,000 per annum.</li> <li>12. For copying, as per contract, \$600; for distributing State documents, \$500; for expressage and postage on same, \$1,200 per annum.</li> <li>13. For the purchase of Supreme Court reports, such sums as may be necessary.</li> <li>14. For the purchase of flags, \$600.</li> <li>15. To the Auditor, for clerk hire, stenographer, janitors and messengers, \$13,340 per annum. For repairs, postage, expressage, etc., \$1,500 per annum.</li> <li>16. For conveying female offenders to the State Home, \$1,000 per annum.</li> <li>17. For costs of State suits, \$500 per annum.</li> <li>18. For conveying convicts to penitentiary, \$20,000 per annum.</li> </ol> |
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19. For the apprehension and delivery of fugitives from justice, \$8,000 per annum; for the rewards for the arrest of criminals, \$2,000.
20. For conveying offenders to the State Reformatory, \$15,000 per annum.
21. For expenses of the State Board of Equalization, \$10,000 per annum.
22. To the State Treasurer, for clerk hire, watchmen, messengers and other incidental expenses, \$12,500 per annum.
23. To refund taxes paid in error, such sum as may be necessary.
24. To the Superintendent of Public Instruction, for clerk hire, stenographer, janitor, porter, messenger and incidental expenses of his office, and State examinations, \$5,820 per annum.
25. To pay interest on school fund, \$57,000 per annum.
26. For the State school fund, \$1,000,000 per annum.
27. To the Attorney General, for salary of assistants, clerk hire, porter, messenger, \$7,420 per annum; for incidental expenses, \$8,000 per annum.
28. To the Adjutant General, for salary of assistants, clerk hire, stenographer, messenger, incidental office expenses, etc., \$9,440 per annum.
29. To the Board of Public Charities, for secretary's salary, clerk hire, etc., \$8,700 per annum.
30. To the Supreme Court, for incidental and contingent expenses, \$5,750 per annum; for librarian and janitors, \$2,440 per annum; for books, repairs, furniture and removing records, \$4,900.
31. To the Appellate Court, for incidental and contingent expenses, \$18,160 per annum; for books, \$2,000.
32. To the State Museum of Natural History, for salaries of curator and assistant, janitor, contingent and necessary expenses, \$4,720 per annum.
33. To the Railroad and Warehouse Commission, for salaries of secretary, civil engineer, clerk hire, office expenses, printing schedules, maps, litigation, etc., \$11,700 per annum, and \$1,000 special.
34. To the Commissioners Labor Statistics, for procuring statistics, salary of secretary, clerk hire, incidental expenses, etc., \$11,000.
35. To the Board of Live Stock Commissioners, secretary's salary, necessary expenses, stock yard agents, State and assistant veterinarians, janitors, etc., \$18,220 per annum; also for contingent fund, \$20,000 special.
36. To the Fish Commissioners, to be used in pursuance of law, \$7,500 per annum, and for personal, traveling expenses and other expenses, \$2,500 per annum.
37. To the State Board of Health, for salary of secretary, clerk hire and necessary and incidental expenses, \$9,000 per annum, and \$10,000 special as a contingent fund.
38. To the Lieutenant Governor for postage, \$50 per annum.
39. To the 41st General Assembly, for committee expenses, \$1,000.
40. To the Superintendent of Insurance, for clerk hire, office expenses, examinations, printing, etc., \$32,125 per annum, and \$2,874.74 special.
41. Superintendent of Insurance to make semi-annual reports of amounts collected by him and cover same into State treasury.
42. To the trustees of the Lincoln Homestead and salary of custodian, etc., \$1,750 per annum, and \$1,000 special.
43. To the State Historical Society, for maintenance of library and salary of librarian, \$2,000 per annum.
44. To the State Factory Inspectors, for salaries of selves and deputies, \$14,000 per annum.
45. To the State Board of Examiners, for mine inspectors and managers, \$3,000 per annum.
46. To the Supreme Court Reporter, messenger and janitor, \$720 per annum.
47. To the State Board of Arbitration, salary of secretary and other expenses, \$3,700 per annum, and \$500 special.
48. To the State Board of Pardons, for salary of secretary, members and other expenses, \$11,750 per annum.
49. To the State Entomologist, for experiment, publication and instruction concerning the San Jose scale, etc., \$3,000.
50. How drawn.



AN ACT to provide for the ordinary and contingent expenses of the State Government until the expiration of the fiscal quarter after the adjournment of the next regular session of the General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, be and are hereby appropriated to meet the ordinary and contingent expenses of the State government until the expiration of the first fiscal quarter after the adjournment of the General Assembly:

First—A sum not exceeding \$5,000 per annum shall be subject to the order of the Governor for defraying such public expenses of the State government as are unforeseen by the General Assembly, and not otherwise provided for by law; payment to be made, from time to time, upon bills of particulars certified to by the Governor.

Second—The sum of \$6,000 per annum for private secretary to the Governor, for the performance of such official duties of the Governor as may be required of him, and for executive clerk and stenographer, payable monthly, as hereinafter named.

Third—A sum not to exceed \$1,500 per annum for postage, expressage, telegraphing, furniture, furnishing and other incidental expenses connected with the Governor's office, to be paid upon bills of particulars certified to by the Governor.

Fourth—To the Governor, for one porter, the sum of \$720 per annum, payable monthly.

Fifth—To the Governor, for the care of the executive mansion and grounds, and for heating and lighting the executive mansion, \$5,000 per annum, to be paid on bills of particulars certified to by the Governor.

Sixth—To the Secretary of State, for clerk hire in his office, the following sums: For chief clerk, \$2,400 per annum; for one assistant chief clerk, \$1,800 per annum; for one chief corporation clerk, \$2,000 per annum; for one corporation clerk, \$1,800 per annum; for one corporation clerk, \$1,100 per annum; for one corporation clerk, \$720 per annum; for one executive clerk, \$1,500 per annum; for one index clerk, \$2,000 per annum; for one assistant index clerk, \$1,200 per annum; for one anti-trust clerk, \$1,200 per annum, for two anti-trust clerks, \$1,000 each per annum; for one anti-trust clerk, \$720 per annum; for one shipping clerk, \$1,100 per annum; for one shipping clerk, \$1,000 per annum; for one shipping clerk and janitor, \$1,000 per annum; for one shipping clerk, \$720 per annum; for extra clerical services, \$1,500 per annum; for one private stenographer, \$1,500 per annum; for one supply clerk, \$1,200 per annum; for one assistant supply clerk, \$900 per annum; for one property clerk, \$900 per annum; for one stenographer and typewriter, \$1,000 per annum; for one bookkeeper, \$900 per annum; for three porters and messengers, \$720 each per annum; for one superintendent of Capitol buildings and grounds, \$1,500 per annum; for one assistant superintendent of

Capitol buildings and grounds, \$1,000 per annum; for one carpenter, \$900 per annum; for eight policemen, \$720 each per annum; for two elevator conductors, \$720 each per annum; for eighteen janitors, \$720 each per annum; for one janitress, \$600 per annum; for one flagman, \$800 per annum; for one chief engineer, \$1,200 per annum; for two assistant engineers, each \$900 per annum; for nine firemen, \$720 each per annum; for one weigher, \$900 per annum; for one electrician, \$1,200 per annum; for one assistant electrician, \$800 per annum; all payable upon monthly pay-rolls certified to by the Secretary of State; for expenses in connection with the corporation department, the sum of \$2,500 per annum, or so much thereof as may be necessary. To the Secretary of State, for repairs, postage, expressage, telegraphing and other incidental expenses of his office, a sum not exceeding \$3,000 per annum; and for the payment of all necessary incidental expenses incurred by the Secretary of State in the care and custody of the State House and grounds and other State property, and in repairs and improvements of the same, and for the performance of such other duties as may be imposed upon him by law and for which no other appropriation has been made, the sum of \$10,000 per annum; to the Secretary of State, \$5,000 per annum for the purpose of carrying into effect a law for an act to require every foreign corporation doing business in this State to have a public office or place in this State at which to transact its business, subjecting it to a certain condition, and requiring it to file its articles or charter of incorporation with the Secretary of State, and to pay certain taxes and fees thereon; all payable upon bills of particulars certified to by the Secretary of State.

Seventh—For fuel, repairs and other incidental expenses connected with the heating of the State House, the sum of \$10,000 per annum, or so much thereof as may be necessary; for repairing State House, \$5,000; for refurnishing the executive mansion, \$3,000; all to be paid on bills of particulars certified to by the Secretary of State and approved by the Governor.

Eighth—For lighting the State House and other incidental expenses thereof, the sum of \$4,000 per annum, or so much thereof as may be necessary, to be paid on bills of particulars certified to by the Secretary of State and approved by the Governor.

Ninth—To the Secretary of State, for the purchase of books and for the incidental expenses of the State library, the sum of \$1,200 per annum, payable upon bills of particulars, certified to by the board of commissioners of the State library; for salary of assistant librarian, the sum of \$1,000 per annum, payable monthly; for the salary of second assistant librarian, the sum of \$720 per annum, payable monthly, on the certificate of the Secretary of State.

Tenth—For the purchase on contract as required by law, and other necessary expenses connected therewith, of printing paper and stationery for the use of the General Assembly and the executive departments, the sum of \$15,000 per annum, payable on bills of particulars certified to by the Board of Commissioners of State Contracts and approved by the Governor.

Eleventh—For public printing, the sum of \$50,000, or so much thereof as may be required; for public binding, the sum of \$8,000 per annum, or so much thereof as may be required. The public printing and binding to be paid according to contract, upon the certificate of the Board of Commissioners of State Contracts and approved by the Governor.

Twelfth—For copying the laws, journals and joint resolutions of the General Assembly, as provided by law, \$600; for distribution of laws, journals and other State documents, and incidental expenses connected therewith, the sum of \$500; and for expressage and postage on same, \$1,200 per annum, payable as provided by law.

Thirteenth—Such sums as may be necessary to enable the Secretary of State to purchase such volumes of the reports of the decisions of the Supreme Court as he is, or may be, by law required to purchase, to be paid on bills of particulars certified to by the Secretary of State and approved by the Governor.

Fourteenth—To the Secretary of State, for the purchase of flags for the dome of the Capitol building for two years, the sum of \$600, to be paid on bills of particulars, certified to by the Secretary of State and approved by the Governor.

Fifteenth—To the Auditor of Public Accounts, for necessary clerk hire in his office, the following sums: For chief clerk, \$2,400 per annum; for revenue clerk, \$1,800 per annum; for warrant clerk, \$1,800 per annum; for stenographer and typewriter, \$1,000 per annum; for two janitors and messengers, \$720 each per annum; for additional clerk hire, the sum of \$3,100 per annum; for land clerk, the sum of \$1,800 per annum; payable on bills of particulars certified to by the Auditor of Public Accounts. To the Auditor of Public Accounts, for repairs, postage, express charges, telegraphing and other incidental expenses incurred in the discharge of his duties, a sum not to exceed \$1,500 per annum, payable on bills of particulars certified to by the Auditor. To the Auditor of Public Accounts, for the purpose of paying for the clerical service incidental to the banking department and to the building and loan department, a sum not to exceed the fees received by him for preliminary examinations and for filing reports from such bank and building and loan associations as now provided by law.

Sixteenth—A sum not to exceed \$1,000 per annum, or so much thereof as may be needed, for conveying female offenders to the State home for juvenile female offenders, to be ascertained and paid in the same manner as for conveying prisoners to the penitentiary.

Seventeenth—A sum not exceeding \$500 per annum, or so much thereof as may be necessary, costs and expenses of State suits, to be paid on bills of particulars certified to by the Auditor and approved by the Governor.

Eighteenth—A sum not exceeding \$20,000 per annum, or so much thereof as may be necessary, for conveying convicts to the penitentiary,

and from and to the penitentiary in cases of new trials, or when used as witnesses in cases, to be paid by the Auditor in the manner now provided by law: *Provided*, that when more than one person is convicted at the same term of court, and is committed to the penitentiary, the sheriff shall take them all at one trip.

Nineteenth—For the payment of the expenses provided for by law for the apprehension and delivery of fugitives from justice, \$8,000 per annum, or so much thereof as may be necessary, to be paid on the evidence required by law, certified to and approved by the Governor; and the sum of \$2,000 for rewards for arrests of fugitives from justice, to be paid on bills of particulars having the order of the Governor endorsed thereon.

Twentieth—The sum of \$15,000 per annum, or so much thereof as may be necessary, for conveying offenders to the State reformatory at Pontiac, and from and to the reformatory in cases of new trial or when used as witness in cases, to be paid by the Auditor in the manner now provided by law, to be ascertained and paid in the same manner as in cases of conveying prisoners to and from the penitentiary: *Provided*, that when more than one person is convicted at the same term of court, and is committed to the reformatory, the sheriff shall take them all at one trip.

Twenty-first—To the State Board of Equalization, for paying expenses, a sum not exceeding \$10,000 per annum, payable in the manner provided by law.

Twenty-second—To the State Treasurer, for clerk hire, the sum of \$7,500 per annum; the sum of \$3,200 per annum for two night and two day watchmen, and the sum of \$800 per annum for messenger and clerk, all payable on monthly pay-rolls duly certified to by the Treasurer. To the State Treasurer, for repairs, express charges, postage, telegraphing and other incidental expenses connected with his office, a sum not to exceed \$1,000 per annum, payable on bills of particulars certified to by the Treasurer and approved by the Governor.

Twenty-third—Such sums as may be necessary to refund the taxes on real estate sold or paid on error, and for overpayment of collectors' accounts under laws governing such cases, to be paid out of the proper funds.

Twenty-fourth—To the Superintendent of Public Instruction the following sums are hereby appropriated: For assistant superintendent, \$2,400 per annum; for stenographer and typewriter, \$1,000 per annum; for janitor, porter and messenger, the sum of \$720 per annum; for library, \$200 per annum; all payable on certificate of Superintendent of Public Instruction. To the Superintendent of Public Instruction, for postage and State examinations, and other necessary expenses of his office, a sum not to exceed \$1,500 per annum, payable on bills of particulars certified to by him and approved by the Governor. Appropriations made by this clause to be made out of the State school funds.

Twenty-fifth—The sum of \$57,000 per annum, or so much thereof as may be necessary, to pay the interest on school funds distributed annually in pursuance of law, said amount to be payable from the State school funds.

Twenty-sixth—The sum of \$1,000,000 annually, out of the State school fund, to pay the amount of the Auditor's orders for the distribution of said fund to the several counties, and for the payment of the salaries and expenses of county superintendents of schools, as now provided by law. The Auditor shall issue his warrant to the State Treasurer on the proper evidence that the amount distributed has been paid to the county superintendents.

Twenty-seventh—To the Attorney General, for an assistant, the sum of \$2,500 per annum; for a second assistant, the sum of \$2,500 per annum; for a stenographer, who shall act as clerk, the sum of \$1,400 per annum; and for porter and messenger, the sum of \$720 per annum; payable on bills of particulars duly certified to by the Attorney General. To the Attorney General, for telegraphing, postage and other necessary expenses incurred in the discharge of the duties of his office, a sum not to exceed \$2,000 per annum; for legal and other incidental expenses incident to the discharge of his duties in relation to the building, loan and homestead associations, and to State banks, a sum not to exceed \$6,000 per annum, payable on bills certified to by him.

Twenty-eighth—To the Adjutant General, for clerk hire in his office, the following sums: For assistant adjutant general, \$1,800 per annum; for military clerk, \$1,200 per annum; for record clerk, \$900 per annum: *Provided*, that in the employment of clerks and assistants in the Adjutant General's office, preference shall be given to Union soldiers, their widows and orphans; also the sum of \$1,000 per annum for postage, telegraphing, repairs and other incidental expenses connected with Memorial Hall in his office; also for custodian of Memorial Hall, \$900 per annum; for stenographer and typewriter, \$1,000 per annum; for acting assistant quartermaster general, \$1,200 per annum; for sergeant at arsenal, \$720 per annum; and for messenger, \$720 per annum; all payable on monthly pay-rolls or bills of particulars duly certified to by the Adjutant General and approved by the Governor.

Twenty-ninth—To the Board of Public Charities, for salary for secretary, the sum of \$3,000 per annum; for one chief clerk, \$1,500 per annum; for male stenographer, \$1,200 per annum; and for necessary incidental expenses of the board, a sum not to exceed \$2,000 per annum; for removing and arranging the records, books and papers of the vault [to the] office of the secretary, and for providing for book and file cases for the arranging and preserving the same, \$1,000.

Thirtieth—There is hereby appropriated to defray the incidental and contingent expenses of the Supreme Court, to-wit: For stationery, repairs, furniture, expressage, printing and law books to be pur-

chased under the direction of the court, and other expenses deemed necessary by the court, the sum of \$5,750 per annum, payable upon bills of particulars certified to by at least two of the justices of said court.

There is also appropriated for the librarian of said court the sum of \$1,000 per annum, who shall also act as librarian for the Appellate Court of the third district when in session. Also the sum of \$720 per annum each for two janitors for the library and the Supreme Court, who shall perform such duties as shall be determined by the judges and clerks of said court, to be paid on the order of at least two of the judges of said court.

There is also appropriated for a new floor for the offices of the clerks, the sum of \$300; for the purpose of erecting partitions, receptacles and counters for office books in the offices of the clerks of said court the sum of \$1,200; for the purpose of erecting record and file cases in the offices of the clerks, the sum of \$600; for the purchase of office furniture and carpets for the offices of the clerks of said court the sum of \$500; for the purpose of tabulating and indexing the records and files of the Supreme Court, in the central grand division, the sum of \$300. All to be paid on the order of at least two of the judges of said court.

There is also appropriated for the removal of the records and fixtures of the Supreme Court from Ottawa and Mount Vernon to Springfield the sum of \$2,000, to be paid on the order of any two of the judges of said court.

Thirty-one—There is also hereby appropriated to defray the incidental and contingent expenses of the Appellate Courts of this State, to-wit: To the first district, for rent of court rooms, including fuel and light, the sum of \$7,500 per annum; for stationery, postage, expressage, repairs, furniture and other expenses deemed necessary by said court, the sum of \$1,500 per annum, and for the salary of the librarian of said court, the sum of \$500 per annum, payable monthly; and for the purchase of law books, under the direction of the judges of said court, the sum of \$1,000 per annum; for rebinding law books in library, the sum of \$1,000. To the second district of the Appellate Court, for stationery, fuel, light, postage, expressage, repairs, furniture and other expenses deemed necessary by said court, the sum of \$1,750 per annum; for books, \$500, and for librarian, \$500 per annum. To the third district, for stationery, fuel, light, postage, expressage, repairs, furniture and other expenses deemed necessary by the court, the sum of \$1,000 per annum; the sums to be paid on bills of particulars certified to by the clerk of the court for which the expense was incurred. To the fourth district, the sum of \$1,750 per annum for stationery, fuel, lights, postage, expressage, repairs, furniture and other expenses deemed necessary by the court; for books, \$500, and for librarian, \$500 per annum. Also the sum of \$720 each per annum to the second, third and fourth districts, for the pay of janitors to perform such duties as shall be determined by the judges and clerks of the respective courts, to be paid on the order of at least two of the judges in each district.

Thirty-two—For the salary of the curator of the Illinois State Museum of Natural History, the sum of \$2,500 per annum; for the salary of assistant curator, the sum \$1,000 per annum; for the salary of a janitor, the sum of \$720 per annum, all payable monthly, as provided by law. For the contingent and necessary expenses of the museum and scientific library, and for traveling expenses incurred on business connected with this office, the sum of \$500 per annum, payable on bills of particulars duly certified to by the curator and approved by the Governor. Reports on investigations shall be prepared by, or under the direction of, the curator, and be presented to the board of trustees of the museum for approval. The board shall order such reports printed, and the expense shall be paid out of the general fund appropriated for the public printing.

Thirty-third—To the Railroad and Warehouse Commissioners, for the incidental expenses of their office, including care, stationery, postage and telegraphing, extra clerk hire, and for secretary's salary, and for all necessary expenditures except those hereinafter provided for, a sum not to exceed \$4,000 per annum. For any expense incurred in suits or investigations commenced by authority of the State under any law now in force, or hereafter enacted, empowering or entrusting the board of commissioners, including the fees of experts employed and clerical help, the sum of \$4,000 per annum, or such part thereof as may be needed for such purposes. For printing and publication of schedules of reasonable maximum rates of charges for the transportation of passengers and freights and cars, made or revised for any or all of the railroads of the State, as provided by law, the sum of \$1,000, or so much thereof as may be needed for such purposes. For the printing and publication of railroad maps of Illinois, to be bound with annual reports, the sum of \$1,200 per annum. For the salary of a civil engineer, when so employed by the commission in their discretion, the sum of \$2,500 per annum, which said civil engineer, when so employed, shall do such engineering work and make such inspections and reports as the said commissioners may direct, for which he shall receive compensation to be fixed by the commission not exceeding the said sum of \$2,500 per annum, to be paid on bills of particulars certified to by the Railroad and Warehouse Commissioners and approved by the Governor.

Thirty-fourth—To the Commissioners of Labor Statistics, for the purpose of procuring, tabulating and publishing statistics of labor as contemplated by law, for clerical services, the employment of canvassers, and the incidental office expenses of the board, and for defraying the per diem and traveling expenses of the commissioners, the sum of \$8,500 per annum, or so much thereof as may be necessary, and the sum of \$2,500 per annum for the salary of the secretary of the board.

Thirty-fifth—To the Board of Live Stock Commissioners the following sums are hereby appropriated: For salary of secretary, \$1,800 per annum; to pay the expenses of the commission and secretary, \$2,000 per annum; for assistant secretary, who shall be a

stenographer and typewriter, the sum of \$1,200 per annum; for the salary of four agents at the Union Stock Yards, Chicago, and one agent at the National Stock Yards, East St. Louis, \$6,000 per annum; for janitor of office, \$720 per annum; for salary of assistant veterinarian at Union Stock Yards, Chicago, \$1,800 per annum; for salary and expenses of State veterinarian, \$3,500 per annum; for telegraphing, postage, express and other incidental expenses of the office, \$1,200 per annum. Also for paying damages for animals diseased or exposed to contagion, slaughtered; for per diem and traveling expenses of State veterinarian and assistant State veterinarian and agents, incurred in making examinations of the same, or in making examinations of any animals supposed to be diseased; for property necessarily destroyed, and for expenses of disinfection of premises, when such disinfection is practicable under the provision of any law of this State, for the suppression and prevention of the spread of contagious and infectious diseases among domestic animals, the sum of \$20,000, or so much thereof as may be necessary; and any sums of money that may be received by the Board of Live Stock Commissioners as the net proceeds of the sale of the healthy carcasses of slaughtered animals under the provisions of this law shall be paid by them into the State treasury.

Thirty-sixth—The sum of \$7,500 per annum, or so much of it as may be necessary, to the fish commissioners of the State, to be used by them in pursuance of law. The sum of \$2,500 per annum, or so much thereof as may be necessary, for the personal and traveling expenses of the fish commissioners, and for the service and expenses of such persons as may be employed by them, including fish wardens, while performing such services for which no fees are allowed in enforcing the laws relative to fish-ways over dams, and for the protection of fish. All expenditures to be upon bills of particulars certified to by a majority of the commissioners and approved by the Governor.

Thirty-seventh—To the State Board of Health, for salary of secretary, the sum of \$3,000 per annum; for necessary office expenses, including expenses incurred in attending meetings of the board and in making sanitary inspections, the sum of \$2,000 per annum; for chief clerk, \$1,800 per annum; for clerk, \$1,150 per annum; for stenographer \$720 per annum, and for incidental expenses, the sum of \$330 per annum.

Also the sum of \$10,000 as a contingent fund, to be used only with the consent and concurrence of the Governor, upon the recommendation and advice of the board, in case of the outbreak or threatened outbreak of any epidemic or malignant disease, such as Asiatic cholera, small-pox, yellow fever, or to defray the expenses of preventing the introduction of such diseases, or their spread from place to place within the State, and in suppressing outbreaks which may occur, and in investigating their methods of prevention, also special investigations when required by the sanitary necessities of the State; and



any necessary expenditures from this sum shall be paid on the order of the president of the board and attested by the secretary and approved by the Governor.

Thirty-eighth—To the Lieutenant Governor, for postage, telegraphing, stationery, and other incidental expenses, the sum of \$50 per annum, payable upon his order.

Thirty-ninth—The sum of \$1,000, or so much thereof as may be necessary, to pay the expenses of the committees of the Forty-first General Assembly, such expenses to be certified as may be provided by resolution of either house.

Fortieth—To the insurance superintendent, for necessary clerk hire in his office, the sum of \$17,500 per annum, to include actuary, stenographer and janitor.

For postage, express charges, telegraphing and other incidental expenses, the sum of \$3,000 per annum. For expense in attending the annual convention of insurance commissioners, the sum of \$125 per annum. For burglar-proof safe and for necessary furniture and repairs, \$2,250. For expense of examinations and investigations which can not be collected from the companies or associations examined, \$1,000 per annum, or so much thereof as may be necessary. For all examinations and investigations, such amount for expenses incurred and services of assistants employed as shall be collected from the companies and associations examined. For expenses in the prosecution of violations of the insurance laws, the sum of \$6,000 per annum, and for legal services, the sum of \$4,000 per annum. For printing reports for the use of the farmers' mutual insurance companies, the sum of \$500 per annum, or so much thereof as may be necessary. For C. P. Swigert, receiver of the Pioneer Insurance Company, insolvent, the sum of \$624.74, to reimburse him for moneys advanced by him in connection with such receivership, and which he is unable to collect from the assets of said company, said Swigert to file proper affidavits and vouchers with the Auditor of Public Accounts.

All salaries or clerk hire to be payable upon monthly pay-rolls duly certified by the insurance superintendent, and other items to be payable on bills of particulars certified to by the insurance superintendent with the approval of the Governor.

For making valuation of reserves of life insurance companies, the insurance superintendent, with the approval of the Governor, is hereby authorized to use the sums collected for such purposes in the payment of the costs thereof, and include the same in his annual report to the Governor.

Forty-first—It shall be the duty of the superintendent of insurance to make a report on the first days of January and July of each year of amounts collected by him, and shall pay over to the State Treasurer all funds on hand at the date of such report and take his receipt therefor.

Forty-two—To the trustees of the Lincoln homestead, for the salary of a custodian, the sum of \$600 per annum; and for repairs and improvements, the sum of \$150 per annum, to be expended by said trustees as provided in the act of 1887 creating said trust. The trustees of Lincoln monument, for the salary of custodian, the sum of \$1,000 per annum; for fuel and assistance, \$500; for repairs Lincoln monument, \$500.

Forty-third—To the Illinois State Historical Society, for the continuation, care and maintenance thereof, the sum of \$2,000 per annum, of which the sum of \$720 per annum shall be paid as a salary to the librarian, to be expended under the provisions and in the manner specified in the act of 1889 establishing said library.

Forty-fourth—To the State factory inspectors, for the salary of the State factory inspector, the sum of \$1,500 per annum; for the salary of the assistant State factory inspector, the sum of \$1,000 per annum; for salary of ten deputy factory inspectors, the sum of \$750 each per annum; for traveling and other legitimate expenses incurred by the inspectors in the performance of their duties, the sum of \$4,000 per annum.

Forty-fifth—The State board of examiners for mine inspectors and mine managers, for the per diem and expenses of the board in conducting examination as to the qualifications of those holding or desiring positions as managers of coal mines, and of those desiring appointments as State inspectors of mines, the sum of \$3,000 per annum, or so much thereof as may be necessary, payable upon proper vouchers approved by the Governor.

Forty-sixth—To the supreme court reporter, for messenger and janitor, the sum of \$720 per annum, payable upon bills of particulars duly certified to by him and approved by the Governor.

Forty-seventh—To the State Board of Arbitration, for salary of the secretary, \$1,200 per annum; for the traveling expenses of the members and secretary, and for postage, stationery telegraphing, expressage, extra clerk hire, janitor and messenger service, and all other expenses, the sum of \$2,500 per annum, or so much thereof as may be necessary. Also for traveling expenses and expenses of the board to July 1, 1897, the sum of \$500, payable upon bills of particulars duly certified to by the members of said board and approved by the Governor.

Forty-eighth—For salary of members of the board of pardons, \$6,000 per annum; for salary of secretary, \$2,000 per annum; for stenographer, \$750 per annum, and for expenses of the office, \$3,000 per annum, all to be paid on bills of particulars certified to by the members of the board and approved by the Governor.

Forty-ninth—To the State Entomologist, the sum of \$3,000 for experiment, publication and instruction concerning the San Jose scale, and for the inspection and disinfection of orchards and nurseries.

Fiftieth—The Auditor of Public Accounts is hereby authorized and directed to draw warrants on the State Treasurer for the sums herein specified upon the presentation of proper vouchers; all sums herein appropriated for the pay of the clerks, secretaries, porters, messengers, janitors, watchmen, policemen, laborers, engineers, firemen, stenographers, curators and librarians, shall, when not otherwise provided by law, be paid upon monthly pay-rolls duly certified to respectively by the heads of departments, bureaus or boards of commissioners and trustees requiring the services of such employes; and the State Treasurer shall pay the same out of the proper funds in the treasury not otherwise appropriated. Said warrants shall be drawn in favor of and payable to the order of the persons entitled thereto.

APPROVED June 5, 1897.

#### STATE GOVERNMENT.

§ 1. Makes appropriation for the ordinary and contingent expenses incurred or to be incurred, and now unprovided, until July 1, 1897.

##### TO THE GOVERNOR.

1. To be used as a contingent fund, \$650.18,
2. For postage, office expenses, etc., \$341.49.
3. For repairs and care of Executive Mansion, \$1,120.40

##### TO THE SECRETARY OF STATE.

1. For extra clerk hire, \$536.
2. For repairs, postage, office expenses, etc., \$1,350.
3. For laborers, janitors, watchmen and policemen of the State House, \$1,800.
4. For incidental expenses incurred in the care and custody of the State House and grounds, \$6,142.

5. For heating, fuel, pay of engineers and firemen, \$7,245.

6. For lighting State House and other incidental expenses thereof, \$2,223.

7. For the purchase of printing paper and stationery for the use of the 40th General Assembly and executive department, \$13,864.

8. For public printing, \$10,891; for public binding, \$7,000.

9. For expressage and postage on laws and journals, \$630.

10. For repairs and improvements on the Lincoln Homestead, \$75.

11. To the Auditor of Public Accounts, for repairs, postage, express charges, etc., \$675.

§ 2. How drawn.

§ 3. Emergency.

AN ACT to provide for the ordinary and contingent expenses of the State government, incurred or to be incurred and now unprovided for, until the first day of July, A. D. 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated for the purposes hereinafter specified, to meet the ordinary and contingent expenses of the State government, incurred or to be incurred and now unprovided for, until the first day of July, A. D. 1897, to-wit:

First—The sum of \$650.18 to the order of the Governor, for defraying such public expenses of the State government as are unforeseen by the General Assembly and not otherwise provided for by law, to be paid upon bills of particulars certified to by the Governor.

Second—The sum of \$341.49 for postage, expressage, telegraphing, furniture and furnishing and other incidental expenses of the Governor's office, to be paid upon bills of particulars certified to by the Governor.

Third—To the Governor, for repairs and care of the executive mansion and grounds, and for heating and lighting the executive mansion, the sum of \$1,120.40, to be paid upon bills of particulars certified to by the Governor.

To the Secretary of State, the following sums, to be paid upon bills of particulars certified to by the Secretary of State and approved by the Governor:

First—For extra clerk hire, the sum of five hundred and thirty-six dollars.

Second—For repairs, postage, expressage, telegraphing and other incidental expenses of his office, the sum of thirteen hundred and fifty dollars.

Third—For laborers, janitors, watchmen and policemen of the State House, who shall perform all the duties assigned them by the Secretary of State, the sum of eighteen hundred dollars, payable upon monthly pay-rolls.

Fourth—For incidental expenses incurred in the care and custody of the State House and grounds and other State property, and in repairs and improvements of the same, and in the performance of such other duties as may be imposed upon him by law, and for which no other appropriation has been made, the sum of six thousand one hundred and forty-two dollars.

Fifth—For heating, fuel, pay of engineers and firemen of the State House, and other incidental expenses thereof, the sum of seven thousand two hundred and forty-five dollars.

Sixth—For lighting the State House and other incidental expenses thereof, the sum of two thousand two hundred and twenty-three dollars.

Seventh—For the purchase on contract as required by law, and other necessary expenses connected therewith, of printing paper and stationery for the use of the Fortieth General Assembly and the Executive department, the sum of thirteen thousand eight hundred and sixty-four dollars, payable on bills of particulars certified to by the Board of Commissioners of State Contracts and approved by the Governor.

Eighth—For public printing, the sum of ten thousand eight hundred and ninety-one dollars; for public binding, the sum of seven thousand dollars; to be paid for according to contract upon the cer-

tificate of the Board of Commissioners of State Contracts and approved by the Governor.

Ninth--For expressage and postage on the laws, journals and other State documents, the sum of six hundred and thirty dollars.

Tenth--For repairs and improvements on the Lincoln homestead, the sum of seventy-five dollars, to be expended by the trustees as provided for in the act of 1887 creating said trust.

Eleventh--To the Auditor of Public Accounts, for repairs, postage, express charges, telegraphing and other expenses incurred in the discharge of his duties, the sum of six hundred and seventy-five dollars, payable on bills of particulars certified to by the Auditor and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the Treasurer for the sums herein appropriated upon the presentation of the proper vouchers, and the State Treasurer shall pay the same out of any funds in the public treasury.

§ 3. WHEREAS, The above appropriations are necessary for the transaction of the business of the State, therefore an emergency exists, and this act shall be in force and take effect from and after its passage.

APPROVED February 11, 1897.

#### STATE HORTICULTURAL SOCIETY.

§ 1. Appropriates to the State Horticultural Society the sum of \$4,000 per annum, and provides that at least \$1,000 be expended each year in field experiments.

*AN ACT making an appropriation in aid of the Illinois State Horticultural Society.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated for the use of the Illinois State Horticultural Society the sum of four thousand dollars (\$4,000) per annum, for the purpose of advancing the growth and development of the horticultural interests of the State for the years 1897 and 1898, said sum to be expended by said society for the purpose and in the manner specified in "An act to reorganize the Illinois State Horticultural Society," approved March 24, 1874: *Provided, however,* that no portion thereof shall be paid for, or on account of, any salary or emoluments of any officer of said society, except the secretary, who may receive not to exceed four hundred dollars (\$400) per annum: *And, provided, further,* that at least one thousand dollars (\$1,000) of said sum be expended each year by said board in field experiments.

APPROVED June 10, 1897.

STATE LABORATORY OF NATURAL HISTORY AND STATE ENTOMOLOGIST.

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| <p>§ 1. Appropriates \$1,500 per annum to pay incidental expenses—\$4,000 per annum salaries of assistants—bulletins,</p> | <p>reports and expenses of biological station, \$4,000 per annum.</p> <p>§ 2. How drawn.</p> |
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AN ACT making an appropriation for ordinary expenses of the State laboratory of natural history, for the improvement of the library thereof, and for the expenses of the State entomologist's office.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated to the State laboratory of natural history, for the field work and the office and incidental expenses, the sum of fifteen hundred (1,500) dollars per annum.

For the improvement of the library, the sum of fifteen hundred (1,500) dollars per annum.

For salaries and assistance, the sum of four thousand (4,000) dollars per annum.

For the publication of bulletins, the sum of seven hundred and fifty (750) dollars per annum.

For the illustration of the biennial report of the State entomologist, the sum of two hundred and fifty (250) dollars per annum.

For the expenses of the Illinois biological station, the sum of three thousand (3,000) dollars per annum.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated upon the order of the president of the board of trustees of the University of Illinois, attested by its secretary and with the corporate seal of the university:

*Provided*, that no part of said sums shall be due and payable to said institution until satisfactory vouchers, in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the institution on account of appropriations heretofore made.

APPROVED June 10, 1897.

STATE'S ATTORNEY, MASON COUNTY.

- § 1. Appropriates \$293.40 to pay S. A. Murdock, salary as State's Attorney of Mason county from April 1, 1895, to Dec. 25, 1895.

AN ACT to appropriate two hundred and ninety-three dollars and forty cents (\$293.40) to pay the State's Attorney's salary of Mason county, Illinois, from April 1, 1895, to December 25, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be appropriated the sum of two hundred and ninety-three dollars and forty cents

(\$293.40) to pay S. A. Murdock the salary of State's Attorney of Mason county, Illinois, from April 1, 1895, to December 25, 1895.

APPROVED May 10, 1897.

#### STATE REFORMATORY.

§ 1. Enacting clause.

§ 2. Appropriates for new cell-house, one boiler, electric lights, telephone, fire alarm system, and for beds, bedding and cell furniture, \$96,500.

§ 3. How drawn.

*AN ACT making appropriations for the construction and equipment of a new cell-house at the Illinois State Reformatory at Pontiac.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and are hereby appropriated for the purposes hereinafter named, and none other, and payable only according to law: .

§ 2. For the construction and completion of a new cell-house for said reformatory, to contain not less than three hundred cells, the sum of ninety thousand (90,000) dollars, or so much thereof as may be necessary.

For one improved boiler, to be of not less than two hundred horse power, with improved furnace, and cost of setting and connections; also, additional pumps, rendered necessary by construction of said cell-house, four thousand, five hundred (4,500) dollars.

For extension of electric lights, telephone and fire alarm system to said cell-house, one thousand (1,000) dollars.

For beds, bedding and cell furniture for said cell-house, one thousand (1,000) dollars.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrants on the State Treasurer for the moneys hereinbefore appropriated as provided by law.

APPROVED June 7, 1897.

## STATE REFORMATORY.

§ 1. Enacting clause.

§ 2. Appropriates for ordinary expenses, books, farm implements, repairs and improvements, library, etc., \$199,500 per annum—For discharge and parole of prisoners, \$41,250—For seats, tables, desks, and for electric lights, etc., \$4,500, and \$25,000 to pay deficiency.

§ 3. How drawn.

*AN ACT making appropriations for the Illinois State Reformatory at Pontiac for the two years beginning July 1, 1897, and ending July 1, 1899, and provide for a deficiency.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be, and the same are hereby appropriated for the purposes hereinafter named, and none other, and payable only according to law:

§ 2. For ordinary expenses of said reformatory, one hundred and eighty thousand (180,000) dollars per annum.

For discharge and parole of prisoners for two years, forty-one thousand two hundred and fifty (41,250) dollars.

For school books for use of inmates, fifteen hundred (1,500) dollars per annum.

For school seats, tables, desks, maps and charts, fifteen hundred (1,500) dollars.

For cows, teams, wagons and farm implements, one thousand (1,000) dollars per annum.

For equipment and maintenance of trade schools, six thousand (6,000) dollars per annum.

For material to be used in trades instruction, five thousand (5,000) dollars per annum.

For necessary additions to reformatory library, one thousand (1,000) dollars per annum.

For maintenance of electric lights, telephone, telegraph and fire alarm system, three thousand (3,000) dollars.

For repairs and improvements, five thousand (\$5,000) dollars per annum.

\$25,000, or so much thereof as may be necessary, to pay a deficiency in the maintenance of said institution up to July 1, 1897.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrants on the State Treasurer for the moneys hereinbefore appropriated upon the order of the board of managers of said reformatory, signed by the president and attested by the secretary, with the seal of said reformatory attached and approved by the Governor.

APPROVED June 10, 1897.



## STATE REFORMATORY, PONTIAC.

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| <p>§ 1. Enacting clause.</p> <p>§ 2. Appropriates \$90,000 for construction of cell-house; \$4,500 for boiler and pumps; \$1,000 for electric light, and \$1,000 for bedding, etc.</p> | <p>§ 3. How drawn.</p> |
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*AN ACT making appropriations for the construction and equipment of a new cell-house at the Illinois State Reformatory at Pontiac.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and are hereby appropriated for the purposes hereinafter named, and none other, and payable only according to law:

§ 2. For the construction and completion of a new cell-house for said reformatory, to contain not less than three hundred cells, the sum of ninety thousand (90,000) dollars, or so much thereof as may be necessary.

For one improved boiler and additional pumps, rendered necessary by construction of said cell-house, forty-five hundred (4,500) dollars.

For extension of electric lights, telephone and fire alarm system to said cell-house, one thousand (1,000) dollars.

For beds, bedding and cell furniture for said cell-house, one thousand (1,000) dollars.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrants on the State Treasurer for the moneys hereinbefore appropriated upon the order of the board of managers of said reformatory, signed by the president and attested by the secretary, with the seal of said reformatory attached and approved by the Governor.

APPROVED June 10, 1897.

## TENNESSEE CENTENNIAL AND INTERNATIONAL EXPOSITION.

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| <p>§ 1. Appropriates \$20,000 to erect an Illinois building on the grounds of the Tennessee Centennial and International Exposition, at Nashville.</p> | <p>§ 2. Commissioners—appointment and duties—secretary and assistants—compensation.</p> <p>§ 3. Appropriation—how drawn.</p> |
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*AN ACT for the participation of the State of Illinois in the Tennessee centennial and international exposition.*

WHEREAS, The one hundredth anniversary of the admission of the State of Tennessee into the Union is to be celebrated at the city of Nashville in said state by a centennial and international exposition, beginning on the first day of May next and closing on the 31st day of October following; and

WHEREAS, While one of the objects of said exposition is the promotion of concord and harmony and cementing of fraternal relations between all sections of the Union, at the same time a highly

favorable opportunity is presented to Illinois and her great centers of business to encourage and extend her industrial, commercial, educational and other material interests by bringing them, with suitable exhibits, to the attention of the south, and thus extending her business throughout the southern states; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of twenty thousand dollars (\$20,000) for the purpose of erecting a suitable building for an Illinois headquarters at said exposition, and making an exhibit of the resources, commercial advantages, mechanical appliances, educational progress and other interests and industries at the said Tennessee centennial exposition, five thousand dollars (\$5,000) of which shall be used for the purpose of making an exhibition of the agricultural and horticultural products of Illinois.

§ 2. There shall be appointed by the Governor forty (40) commissioners, who shall serve without compensation, who shall have charge of the planning and construction of said building and furnishing and maintaining the same. Said commissioners may employ a secretary, who shall act as manager of said building, and whose compensation shall not exceed the sum of \$150 per month. Said commissioners may employ such other assistants as may be necessary.

Any unexpended balance shall be covered back into the treasury as now provided by law.

§ 3. All payments hereunder shall be upon bills of particulars certified to by the commissioners and approved by the Governor, upon which the Auditor of Public Accounts shall draw his warrant upon the State Treasurer from time to time for the sums of money so certified to, payable out of the appropriations hereby made.

APPROVED April 8, 1897.

#### TRANS-MISSISSIPPI AND INTERNATIONAL EXPOSITION, OMAHA.

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| <p>§ 1. Appropriates \$45,000 for the purpose of erecting a building on the grounds of the trans-Mississippi and international exposition, to be held at Omaha.</p> <p>§ 2. Governor to appoint commission.</p> <p>§ 3. Authority of commission.</p> | <p>§ 4. Vacancy.</p> <p>§ 5. How drawn.</p> <p>§ 6. Commission to make report to the Governor.</p> |
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*AN ACT to provide for the participation of the State of Illinois in the trans-Mississippi and international exposition, to be held at Omaha in the year 1898, and making an appropriation therefor.*

WHEREAS, There is to be held at the city of Omaha, in the State of Nebraska, in the year 1898, an exposition known as the trans-Mississippi and international exposition; and

WHEREAS, The said exposition had its origin in a resolution unanimously adopted at a former session of the trans-Mississippi congress, participated in by all of the states west of the Mississippi river; and

WHEREAS, The Congress of the United States has passed a bill authorizing and encouraging said exposition and made an appropriation to provide for the exhibit by the United States government at said exposition in a building to be constructed by the government of the United States; and

WHEREAS, A corporation has been organized under the laws of the State of Nebraska duly empowered to carry out the business affairs of said exposition, and is now proceeding with the work of preparation, so that said exposition may be held from June to November in the year 1898; and

WHEREAS, It is very desirable that the State of Illinois should participate in said exposition by an adequate exhibit of agricultural, mineral, mechanical, industrial, educational, commercial and all other resources and advantages of the State of Illinois at said exposition; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated out of any money in the State treasury the sum of forty-five thousand (45,000) dollars, said sum of money to be used for the purpose of erecting a State building on the grounds of the trans-Mississippi and international exposition, to be held at Omaha in the year 1898, which said building shall be kept open at all times when the exposition is open and used as the headquarters of the citizens of Illinois and their friends who are visiting the fair.

§ 2. That the Governor of the State of Illinois be and is hereby authorized to appoint a commission to be known as the Illinois trans-Mississippi and international exposition commission, which said commission shall consist of twenty members and shall have full power to devise and execute plans for the display of all such exhibits from the State of Illinois as may, in the opinion of the commission, be advisable to represent the resources and advantages of this State. Said commission shall have full power to secure, encourage and assist exhibitors to make exhibits from the State of Illinois at such exposition, and shall have full control of said exhibits and general direction of all matters connected with them.

§ 3. For the purpose of carrying out the provisions of this act, said commission is hereby authorized to appoint such officials and engage such employes as may be necessary for the securing, arranging, transportation and display of exhibits and for the construction, maintenance and management of the building above provided for. It shall have the power to pay for all services thus secured and expenses incurred in carrying out the purpose of this bill.

§ 4. Any vacancy in said commission shall be filled by appointment by the Governor of the State of Illinois.

§ 5. All payments hereunder shall be upon bills of particulars certified to by the commissioners and approved by the Governor, upon which the Auditor shall draw his warrant upon the State Treasurer from time to time for the sums of money so certified to be payable out of the appropriation hereby made.

§ 6. At the close of its services the commission shall make to the Governor of the State of Illinois a statement of its proceedings, which shall include a list of all disbursements, with a complete list of vouchers therefor: *Provided*, said commission shall be restricted in its expenditures and disbursements to the sum herein appropriated, and no contract shall be made or money expended except upon approval of a majority of said commission.

APPROVED June 14, 1897.

#### UNIVERSITY OF ILLINOIS.

§ 1. Appropriates \$9,714.93 to reimburse the funds appropriated for operating expenses. How drawn.

§ 2. Emergency.

*AN ACT to make an appropriation to the University of Illinois to reimburse the funds appropriated for current expenses to the extent of the amount used therefrom, to temporarily repair the chemical laboratory, injured by fire August 16, 1896, and to renew certain apparatus and materials.*

WHEREAS, The building known as the chemical laboratory at the University of Illinois was in large part destroyed by fire on the 16th day of August, 1896, and the apparatus and chemical supplies contained therein were largely consumed; and,

WHEREAS, The board of trustees of the university found it necessary to act with promptness and renew the building, so that it could be temporarily used by the chemistry department at the opening of the university year, and to purchase certain new apparatus and supplies; and,

WHEREAS, Said board of trustees has expended the sum of \$9,714.93 in so doing, and was obliged and did take said sum from the appropriation made for the ordinary operating expenses of the university for the current year, and the restoration of said sum is necessary to enable the university to meet its expenses for the current year; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$9,714.93 is hereby appropriated to the University of Illinois to reimburse the funds appropriated for operating expenses for the current fiscal year for the like amount used therefrom to repair the chemical laboratory

so that it could be temporarily used, and to renew a portion of the apparatus and supplies destroyed by fire August 16, 1896. And the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sum hereby appropriated, payable out of any money in the treasury not otherwise appropriated, upon the order of the board of trustees of said university attested by its secretary with the corporate seal of the university.

§ 2. WHEREAS, The above appropriation is made necessary in consequence of a loss occasioned by fire, and is needed to carry on said university through the current fiscal year; therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED May 24, 1897.

#### UNIVERSITY OF ILLINOIS.

§ 1. Endowment fund.	§ 5. State officers to collect funds.
§ 2. Liability, \$466,712.91.	§ 6. Appropriates \$5,000 to pay expenses of legal proceedings.
§ 3. Appropriates \$25,000 per annum to pay interest on endowment fund.	§ 7. How drawn.
§ 4. Appropriates \$48,146.13 to pay for operating expenses, and \$44,803.25 for erecting library building.	§ 8. Emergency.

*AN ACT to make appropriations for the University of Illinois, and providing for the management of the funds of said university, and for the protecting the interests of the State in connection therewith.*

WHEREAS, Charles W. Spaulding, late treasurer of the board of trustees of the University of Illinois, has failed to pay over certain moneys and to deliver certain securities in amounts as follows, viz.:

From the fund for operating expenses.....	\$48,146 13
From the fund for building purposes.....	44,803 25
From the endowment fund.....	456,712 91

AND, WHEREAS, The said former treasurer has conveyed to the University of Illinois certain securities and properties in part satisfaction of his obligations to the university, and there are rival claimants to said securities and properties, and legal proceedings have been commenced to determine the rights of said claimants, and an action at law has been instituted to enforce the liability of the sureties upon the official bond of the said former treasurer; and,

WHEREAS, Certain of the endowment bonds of the university have been recovered but can not be used for current expenses; and,

WHEREAS, The university is without means to pay the ordinary expenses to the end of the present fiscal year, and innumerable legal claims are coming against the university which must be speedily met or the university will be involved in great embarrassment and the State put to additional loss; and,

WHEREAS, The endowment fund of the university arose from the sale of lands granted to the State of Illinois by the general government, and which the State accepted upon the condition and agreement that said fund should be invested in bonds or stocks as a perpetual fund, which fund should be invested as to yield not less than five per cent. per annum, and upon the further condition that if any portion of said fund shall be lost or diminished it should be replaced by the State;

Therefore, in order that the interests of the State may be protected in the future and the needs of the university provided for, and that it be relieved from present embarrassment:

SECTION 1. *Therefore, Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the endowment fund and all other moneys of the university in the hands of the former treasurer, and not accounted for and paid over to his successor in office, shall be paid into the State treasury and credited to the general fund of the State as rapidly as the same can be recovered; and all securities which may be reclaimed, or such as may be secured in place of those lost, shall be converted into cash as soon as practicable, and at the best price obtainable, and shall be paid into the State treasury. And hereafter, when lands received by the State from the general government and held by the university shall be sold, the purchase price shall be paid forthwith into the State treasury.

§ 2. The State hereby charges itself with liability for the endowment fund of the university, amounting to \$456,712.91, and for so much in addition as may be received in the future from the sale of lands, as aforesaid, and will pay the university interest thereon at the rate of five per cent. per annum.

§ 3. The sum of twenty-five thousand (25,000) dollars per annum, or so much thereof as may be necessary, is hereby appropriated to pay the interest on said endowment fund as aforesaid. The amount of interest due on said fund shall be paid to the treasurer of the university semi-annually, on the first days of January and July in each year, on the order of the chairman and secretary of the board of trustees.

§ 4. That the sum of \$48,146.13 be and the same is hereby appropriated to the university to reimburse it for the appropriations for operating expenses due from the late treasurer and not paid in, and that the further sum of \$41,803.25 be and the same is hereby appropriated to the university to reimburse the fund for erecting the library building due from the late treasurer and not paid in, and that said sums be paid to the treasurer of the university on the order of the chairman and the board of trustees: *Provided*, that no part of these appropriations shall be payable until a sufficient sum has been paid into the State treasury from funds heretofore belonging to the university to meet the same, as herein above provided.

§ 5. The Governor, Auditor of Public Accounts and State Treasurer shall have, and they are hereby given, full power and authority to collect from any and all persons from whom any of said funds

herein above named may be due, to receive any bond or other securities hereto belonging to the university, or which may be turned over to the board of trustees in payment of said endowment fund, or as a part thereof, and to sell and to dispose of the same, and to carry into full force and effect all the provisions of this act. And it shall be their duty to take any steps they may deem proper to protect the interests of the University of the State of Illinois in reference to the funds aforesaid.

§ 6. The sum of five thousand (5,000) dollars, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of legal or other proceedings which have been or may hereafter be instituted to secure the best interests of the State or of the university in the premises.

§ 7. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated, payable out of any money in the treasury not otherwise appropriated, upon the order of the board of trustees of said university attested by its secretary and with the corporate seal of the university: *Provided*, that no part of said sum shall be due and payable to said university until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the university on account of the appropriation heretofore made: *And, provided further*, that vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditures of the sums appropriated in this act.

§ 8. By reason of the facts recited, the Legislature deems that an emergency exists, and this act shall be in force from and after its passage, but the board of trustees shall draw money from the State treasury only to such an extent as may be reasonably necessary to meet obligations properly incurred on account thereof.

APPROVED June 11, 1897.

## UNIVERSITIES, ILLINOIS.

## § 1. Appropriates to the University of Illinois the following sums:

For taxes accruing in 1896-7 on lands owned by the State in Minnesota, \$1,800 per annum.

For salaries, care of buildings and ordinary expenses, \$110,000 per annum.

For addition to apparatus and appliances, \$3,000 per annum.

For additions to libraries, \$5,000 for the year 1897, and \$15,000 for the year 1898.

For materials for shop practice, \$1,500 per annum.

For increase of scientific cabinets and collections, \$1,000 per annum.

For fire protection, \$1,000 per annum.

For pavements and walks, \$3,000 for the year 1897, and \$1,000 for the year 1898.

For bridge over Silver creek, \$500.

For vaccine laboratory, \$1,200 per annum.

For engineering equipment, \$10,000 per annum.

For completing library hall, \$5,000.

For furnishing library hall, \$5,000.

For central heating plant, etc., \$40,000 per annum.

For replacing equipment in chemical laboratory, \$5,000.

For equipping men's gymnasium, \$3,000.

## § 2. How drawn.

*AN ACT making appropriations for the University of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the University of Illinois for the payment of taxes accruing in the years 1896 and 1897 on lands owned by the State in the State of Minnesota and held for the use of said university, the sum of eighteen hundred (1,800) dollars per annum.

For the payment of salaries for the care of buildings and grounds, and for ordinary operating expenses, one hundred and ten thousand (110,000) dollars per annum.

For additions to apparatus and appliances, three thousand (3,000) dollars per annum.

For additions to libraries, five thousand (5,000) dollars for the year 1897, and fifteen thousand (15,000) dollars for the year 1898.

For materials for shop practice, one thousand five hundred (1,500) dollars per annum.

For increase of scientific cabinets and collections, one thousand (1,000) dollars per annum.

For fire protection, one thousand (1,000) dollars per annum.

For pavements and sidewalks, three thousand (3,000) dollars for the year 1897, and one thousand (1,000) dollars for the year 1898.

For a bridge over Silver creek, on Burrill avenue, five hundred (500) dollars.

For the maintenance of the vaccine laboratory, twelve hundred (1,200) dollars per annum.

For the maintenance and extension of the engineering equipment, ten thousand (10,000) dollars per annum.



For completing library hall and decorating same, five thousand (5,000) dollars.

For furnishing library hall, five thousand (5,000) dollars.

For central heating plant and for moving and installing the electrical laboratory, forty thousand dollars per annum.

For replacing equipment in chemical laboratory destroyed by fire, the sum of five thousand (5,000) dollars.

For equipping a men's gymnasium, three thousand (3,000) dollars.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated, payable out of any money in the treasury not otherwise appropriated upon the order of the board of trustees of said university attested by its secretary and with the corporate seal of the university:

*Provided*, that no part of said sum shall be due and payable to said university until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the university on account of the appropriation hitherto made:

*And, provided further*, that vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditure of the sums appropriated in this act.

APPROVED June 14, 1897.

#### UNIVERSITY OF ILLINOIS, MONEY GRANTED BY ACT OF CONGRESS.

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| § 1. Appropriates to the University of Illinois such sums of money as are due by the Act of Congress of 1862. | § 2. How drawn. |
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AN ACT appropriating to the University of Illinois the money granted in an act of Congress approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum or sums of money which may have accrued, or may hereafter, before the first day of July, 1899, accrue to the State of Illinois under the provisions of an act of the Congress of the United States approved August 30, 1890, entitled "An act to apply a portion of the proceeds of public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862," are hereby appropriated to the University of Illinois, and whenever any portion of the said money shall be received by the State Treasurer it shall immediately be due and payable into the treasury of said university.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated upon the order of the president of the board of trustees of said university countersigned by its secretary and with the corporate seal of the said university.

APPROVED June 12, 1897.

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UNIVERSITIES, SOUTHERN NORMAL.

§ 1. Appropriates \$23,826.44 per annum, to pay the salary of teachers, purchase of fuel, repairs, etc.

§ 2. How drawn.

AN ACT to make an appropriation for the ordinary expenses of the Southern Illinois Normal University at Carbondale.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and there is hereby appropriated to the Southern Illinois Normal University at Carbondale, in addition to one-half the interest on the college and seminary fund, which is hereby appropriated, the further sum of twenty-three thousand eight hundred and twenty-six dollars and forty-four cents (\$23,826.44) per annum, payable quarterly in advance, for the payment of salaries of teachers, for the purchase of fuel, for repairs, for additions to the library, for the school apparatus, for the museum, for salary of engineer and janitors, for care of grounds and for expenses of the board of trustees of the university.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the State Treasurer for said sum appropriated for the ordinary expenses, quarterly as aforesaid, upon the order of the trustees of the said Southern Normal University, signed by the president and attested by the secretary, with the corporate seal thereto attached: *Provided*, that satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly with the said Auditor of Public Accounts for all expenses of the preceding quarter, and no part of the money hereby appropriated shall be due and payable until such vouchers have been filed.

APPROVED June 5, 1897.

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UNIVERSITIES, SOUTHERN NORMAL.

§ 1. Appropriates \$6,000, to be used in equipping and furnishing new library, laboratory and gymnasium building—How drawn.

AN ACT to make an appropriation to equip and furnish properly the new library, museum, laboratory and gymnasium building of the Southern Illinois Normal University, at Carbondale, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and there is

hereby appropriated to the Southern Illinois Normal University at Carbondale, Illinois, the sum of six thousand (\$6,000) dollars, to be used in equipping and furnishing the new library, museum, laboratory and gymnasium building of the said Southern Illinois Normal University at Carbondale, Illinois. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the State Treasurer for the sum herein appropriated upon the order of the board of trustees of said normal university, signed by the president and attested by the secretary thereof, with the corporate seal of said institution attached, and approved by the Governor.

APPROVED June 10, 1897.

#### UNIVERSITIES, SOUTHERN NORMAL.

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| <p>§ 1. Appropriates an additional sum of \$23,-<br/>826.44 per annum to pay the salaries of<br/>teachers, for purchasing fuel, etc.</p> | <p>§ 2. How drawn.</p> |
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*AN ACT to make an appropriation for the ordinary expenses of the Southern Illinois Normal University at Carbondale.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and there is, hereby appropriated to the Southern Illinois Normal University at Carbondale, in addition to one-half the interest on the college and seminary funds, which is hereby appropriated, the further sum of twenty-three thousand eight hundred and twenty-six dollars and forty-four cents (\$23,826.44) per annum payable quarterly in advance, for the payment of salaries of teachers, for the purchase of fuel, for repairs, for additions to the library, for the school apparatus, for the museum, for salary of engineer and janitors, for care of grounds and for expenses of the board of trustees of the university.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the State Treasurer for said sum appropriated for the ordinary expenses quarterly, as aforesaid, upon the order of the trustees of the said Southern Normal University, signed by the president and attested by the secretary, with the corporation seal thereto attached. *Provided*, the satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly with the said Auditor of Public Accounts for all expenses of the preceding quarter, and no part of the money hereby appropriated shall be due and payable until such vouchers have been filed.

APPROVED June 9, 1897.

## UNIVERSITIES, STATE NORMAL.

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| § 1. Appropriates to the State Normal University, in addition to one-half of the interest of the college and seminary funds, \$28,506.44 per annum, for payment of salaries, repairs on buildings, etc., and for completion of gymnasium building, etc., \$6,000 for the year 1897, and \$10,000 for the year 1898. | § 2 How drawn. |
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*AN ACT to make an appropriation for the ordinary and other expenses of the Illinois State Normal University at Normal, Illinois, and for the completion and equipment of its gymnasium building.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and hereby is appropriated to the Illinois State Normal University, in addition to one-half of the interest of the college and seminary fund, which is hereby appropriated, the further sum of twenty-eight thousand five hundred and six dollars and forty-four cents per annum, payable quarterly in advance, for the payment of salaries, for the expenses of the board of education, for repairs on buildings and heating plants, for the purchase of fuel, for additions to the library, for school apparatus, for furniture, for laboratory supplies, for care of the grounds, and for incidental expenses: *Provided*, that the expenses of the model school, connected with, and forming a part of said State normal university, shall be paid out of the receipts for tuition of pupils of said school and not from the above appropriation or any part thereof.

For the completion of the gymnasium building and for the proper heating and equipment of the same, six thousand dollars for the year beginning July 1, 1897, and ten thousand dollars for the year beginning July 1, 1898.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid sums of money upon the order of the Board of Education of the State of Illinois, signed by the president and attested by the secretary of the said board, with corporate seal of said institution: *Provided*, that satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly with the Auditor of Public Accounts for the expenditures, ordinary and extraordinary, of the preceding quarter, and that no part of the money herein appropriated shall be due and payable until such vouchers shall have been filed.

APPROVED June 14, 1897.

## VALENTINE FITZPATRICK.

§ 1. Appropriates \$1,500 for the relief of Valentine Fitzpatrick. | § 2. How drawn.

*AN ACT to make an appropriation for the relief of Private Valentine Fitzpatrick for injuries and diseases contracted while in active service with the Illinois National Guard.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of fifteen hundred dollars be and the same is hereby appropriated for relief of Valentine Fitzpatrick, a private in company E, fourth regiment, (Chicago Zouaves), Illinois National Guard, on account of tuberculosis contracted by him while exposed to continuous rains from May 28, to June 4, 1889, while in the discharge of his duties as a soldier during the tour of active service at Braidwood and Spring Valley, Illinois.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to issue his warrant upon the State Treasurer for the aforesaid sum of money to Valentine Fitzpatrick or his legal representatives, and the State Treasurer is hereby authorized to pay the same out of any money in the State treasury not otherwise appropriated.

APPROVED June 9, 1897.

## WESTERN HOSPITAL FOR THE INSANE, ROCK ISLAND.

§ 1. Appropriates \$163,000 for construction and equipment of wards, horses, cows, hogs, maintenance, etc.

*AN ACT making appropriation for the Illinois Western Hospital for the Insane at Rock Island, Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be and are hereby appropriated to the Illinois Western Hospital for the Insane at Rock Island, Illinois, for the purposes hereinafter named and no other:

For construction of ward two (2) .....	\$35,000 00
For construction of ward three (3).....	35,000 00
For juvenile ward.....	15,000 00
Horses, cows, hogs and farming implements.....	3,000 00
Maintenance .....	65,000 00
Equipment ward 2.....	5,000 00
Equipment ward 3.....	5,000 00

Said appropriation to be available out of the tax of 1897, after the first day of July, 1898, and shall be payable quarterly in advance upon the order of the board of trustees, approved by the Governor, and appropriation for the buildings and furnishings shall be paid out upon the estimates of the architect upon vouchers signed by the trustees and approved by the Governor.

APPROVED June 14, 1897.

## WESTERN HOSPITAL FOR THE INSANE, ROCK ISLAND.

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| § 1. Appropriates \$98,604 to the Illinois<br>Western Hospital for the Insane at<br>Rock Island. | § 2. How drawn. |
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*AN ACT making appropriation for the Illinois Western Hospital for the Insane at Rock Island.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be and are hereby appropriated to the Illinois Western Hospital for the Insane at Rock Island, Illinois, for the purposes hereinafter named and for no other:

For the completion of building, according to plans and specifications, now in course of erection.....	\$32,604 00
For the building of sewer.....	1,000 00
For grading ground and building roads and walks and repairs to farm .....	5,000 00
For the erection of a suitable electric light plant. ....	5,000 00
For the erection of a steam plant for furnishing heat and for pumping water.....	15,000 00
For equipment, furniture, bedding, etc., of institution when completed.....	15,000 00
For the maintenance of institution up to July 1, 1898..	25,000 00

The moneys herein appropriated shall be payable only upon the warrants of the Auditor drawn upon the order of the trustees and approved by the Governor.

APPROVED June 14, 1897.

## ARCHITECTS.

## LICENSING OF ARCHITECTS.

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| § 1. Appointment of a State Board of Examiners of Architects.   | § 6. County clerks to keep record of licenses recorded.                      |
| § 2. Examiners to file oath of office with the Secretary of State—Treasurer to file bond—Salary of secretary and members of Board of Examiners. | § 7. Licensed architects to have a seal.                                     |
| § 3. Quorum—Meetings of Board—Rules and regulations.  | § 8. Penalty for practicing architecture without a license.                  |
| § 4. Examinations—Applicants for license to pay a fee of \$15—License fee, \$25.  | § 9. Persons who are to be regarded as architects.                           |
| § 5. Architects who are entitled to license without an examination.   | § 10. License revoked.   |
|   | § 11. Renewal of license   |
|   | § 12. Report of proceedings to be filed with the Auditor of Public Accounts. |

*AN ACT to provide for the licensing of architects, and regulating the practice of architecture as a profession.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That within thirty days after

the passage of this act the Governor of this State shall, by the advice and consent of the Senate, appoint a State board of examiners of architects, to be composed of five members, one of whom shall be a member of the faculty of the Illinois State University, and the other four shall be architects residing in the State of Illinois who have been engaged in the practice of architecture at least ten years. Two of the said practicing architects appointed as examiners shall be designated to hold office for two years from the date of the passage of this act, and the other two, together with the member of the faculty aforesaid, shall hold office for four years from the passage of this act; and thereafter, upon the expiration of the term of office of the person so appointed, the Governor of the State shall appoint a successor to each person whose term of office shall expire, to hold office for four years, and said person so appointed shall have the above specified qualifications. In case appointment of a successor is not made before the expiration of the term of any member, such member shall hold office until a successor is appointed and duly qualified. Any vacancy occurring in membership of the board shall be filled by the Governor of the State for the unexpired term of such membership.

§ 2. The members of the State board of examiners of architects shall, before entering upon the discharge of their duties, make and file with the Secretary of State the constitutional oath of office. They shall, as soon as organized, and annually thereafter, in the month of January, elect from their number a president and a secretary, who shall also be a treasurer. The treasurer shall file a bond for the penal sum of \$5,000 with the Secretary of State, to be accepted by the Governor of the State, before entering upon his duties. The board shall adopt rules and regulations to govern its proceedings not inconsistent with this act, and a seal, and the secretary shall have the care and custody thereof, and shall keep a record of all the proceedings of the board which shall be open at all times to public scrutiny.

The secretary of the board shall receive a salary which shall be fixed by the board, and which shall not exceed the sum of fifteen hundred dollars (\$1,500) per year; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The other members of the board shall receive the sum of ten dollars (\$10) for each day actually engaged in this service and all legitimate and necessary expenses incurred in attending the meetings of said board. Said expenses shall be paid from the fees received by the board under the provisions of this act, and no part of the salary or other expenses of the board shall be paid out of the State treasury. All moneys received in excess of the said per diem allowance and other expenses provided for shall be held by the treasurer as a special fund for meeting the expenses of said board and the cost of an annual report of the proceedings of the State board of examiners of architects: *Provided, however*, that when the money in the hands of the treasurer at the time the annual report is rendered exceeds twenty-five hundred dollars (\$2,500) the amount of such excess shall be paid into the State treasury to the credit of the State board of examiners of architects.

§ 3. Three members of the board shall constitute a quorum. Special meetings of the board shall be called by the secretary upon the written request of any two members by giving at least seven days' written notice of the meeting to each member, reckoning from the day on which the notices are postmarked, telegraphed or personally delivered. The board shall adopt rules and regulations for the examination of applicants for licenses to practice architecture in accordance with the provisions of this act, and may amend, modify and repeal such rules and regulations from time to time. The board shall, immediately upon the election of each officer thereof and upon the adoption, repeal or modification of its rules of government or its rules and regulations for examinations of applicants for licenses, file with the Secretary of State, and publish in at least one architectural journal and one daily newspaper published in the State of Illinois at least twice, the name and address of each officer, and a copy of such rules and regulations, or the amendment, repeal or modification thereof.

§ 4. Provision shall be made by the board hereby constituted for holding examinations, at least twice in each year, of applicants for license to practice architecture, and any person over twenty-one years of age, upon payment of a fee of fifteen dollars (\$15) to the secretary of the board, shall be entitled to an examination for determining his or her qualifications. All examinations shall be made directly by said board, or a committee of two members delegated by the board, and due notice of the time and place of the holding of such examinations shall be published, as in the case provided for the publication of the rules and regulations thereof. The examination shall have special reference to the construction of buildings, and a test of the knowledge of the candidate of the strength of materials, and of his or her ability to make practical application of such knowledge in the ordinary professional work of an architect, and in the duties of a supervisor of mechanical work on buildings, and should also seek to determine his or her knowledge of the laws of sanitation as applied to buildings. If the result of the examination of any applicant shall be satisfactory to a majority of the board under its rules, the secretary shall, upon an order of the board, issue to the applicant a certificate to that effect, and upon payment to the secretary of the board by the candidate of a fee of twenty-five dollars (\$25), he shall thereupon issue to the person therein named a license to practice architecture in the State, in accordance with the provisions of this act, which license shall contain the full name, birthplace and age of the applicant, and be signed by the president and secretary and sealed with the seal of the board. If an applicant fails to pass said examinations, his or her fee shall be returned. All papers received by the secretary in relation to applications for license shall be kept on file in his office, and a proper index and record thereof shall be kept by him.

§ 5. Any person who shall, by affidavit, show to the satisfaction of the State board of examiners of architects that he or she was engaged in the practice of the profession of architecture on the date of the passage of this act, shall be entitled to a license without an ex-



amination: *Provided*, such applications shall be made within six months after the passage of this act. Such license, when granted, shall set forth the fact that the person to whom the same was issued was practicing architecture in this State at the time of the passage of this act, and is, therefore, entitled to a license to practice architecture without an examination by the board of examiners, and the secretary of the board shall, upon the payment to him of a fee of twenty-five dollars (\$25) issue to the person named in said affidavit a license to practice architecture in this State in accordance with the provisions of this act. In the case of a copartnership of architects, each member whose name appears must be licensed to practice architecture. No stock company or corporation shall be licensed to practice architecture, but the same may employ licensed architects. Each licensed architect shall have his or her license recorded in the office of the county clerk in each and every county in this State in which the holder thereof shall practice, and he or she shall pay to the clerk the same fee that is charged for the recording of notarial commissions. A failure to have his or her license so recorded shall be deemed sufficient cause for revocation of such license.

§ 6. Every county clerk shall keep in a book provided for the purpose a complete list of all the licenses recorded by him under the provisions of this act, together with the date of the issuance of each license.

§ 7. Every licensed architect shall have a seal, the impressions of which must contain the name of the architect, his or her place of business, and the words, "Licensed Architect, State of Illinois," with which he shall stamp all drawings and specifications issued from his office for use in this State.

§ 8. After six months from the passage of this act it shall be unlawful, and it shall be a misdemeanor, punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), for each and every week during which said offense shall continue, for any person to practice architecture without a license in this State, or to advertise, or put out any sign or card or other device which might indicate to the public that he or she is entitled to practice as an architect.

§ 9. Any person who shall be engaged in the planning or supervision of the erection, enlargement or alteration of buildings for others and to be constructed by other persons than himself shall be regarded as an architect within the provisions of this act, and shall be held to comply with the same; but nothing contained in this act shall prevent draughtsmen, students, clerks of works or superintendents, and other employes of those lawfully practicing as architects, under license as herein provided for from acting under the instruction, control or supervision of their employers; or shall prevent the employment of superintendents of buildings paid by the owners from acting, if under the control and direction of a licensed architect who has prepared the drawings and specifications for the building. The term building in this act shall be understood to be a structure con-

sisting of foundations, walls and roof, with or without the other parts; but nothing contained in this act shall be construed to prevent any person, mechanic or builder from making plans and specifications for, or supervising the erection, enlargement or alteration of any building that is to be constructed by himself or employes, nor shall a civil engineer be considered as an architect unless he plans, designs or supervises the erection of buildings, in which case he shall be subject to all the provisions of this act and be considered as an architect.

§ 10. Architects' licenses issued in accordance with the provisions of this act shall remain in full force until revoked for cause, as hereinafter provided. Any license so granted may be revoked by unanimous vote of the State board of examiners of architects for gross incompetency, or recklessness in the construction of buildings, or for dishonest practices on the part of the holder thereof, but before any license shall be revoked such holder shall be entitled to at least twenty days' notice of the charge against him, and of the time and place of the meeting of the board for the hearing and determining of such charges. And on the cancellation of such license, it shall be the duty of the secretary of the board to give notice of such cancellation to the county clerk of each county in the State in which the license has been recorded, whereupon the clerks of the counties shall mark the license recorded in his office cancelled. After the expiration of six months from the revocation of a license, the person whose license was revoked may have a new license issued to him by the secretary upon certificate of the board of examiners, issued by them upon satisfactory evidence of proper reasons for his reinstatement, and upon payment to the secretary of the fee of five dollars (\$5.00). For the purpose of carrying out the provisions of this act relating to the revocation of licenses the board shall have the power of a court of record, sitting in the county in which their meeting shall be held, and the power to issue subpoenas and compel the attendance and testimony of witnesses. Witnesses shall be entitled to the same fees as witnesses in a court of record, to be paid in like manner. The accused shall be entitled to the subpoena of the board for his witnesses, and to be heard in person or by counsel in open public trial.

§ 11. Every licensed architect in this State who desires to continue the practice of his or her profession shall, annually, during the time he or she shall continue in such practice, pay to the secretary of the board during the month of July a fee of five dollars (\$5.00), and the secretary shall thereupon issue to such licensed architect a certificate of renewal of his or her license for the term of one year. Any licensed architect who shall fail to have his or her license renewed during the month of July in each and every year shall have his or her license revoked, at the discretion of the board. But the failure to renew said license shall not deprive him or her of the right to renewal upon payment of said fee.

§ 12. Within the first week of December after the organization of the board, and annually thereafter, the secretary of the board shall file with the Auditor of the State a full report of the proceedings of

the board and a complete statement of the receipts and expenditures of the board, attested by the affidavits of the president and secretary, subject to the approval of the State Auditor.

APPROVED June 3, 1897.

## ASSIGNMENT FOR CREDITORS.

### ASSIGNMENT FOR THE BENEFIT OF CREDITORS.

§ 1. Amends sections 16 and 17 of the Act of 1877.

*AN ACT to add sections sixteen and seventeen to an act entitled "An act concerning voluntary assignments and conferring jurisdiction therein upon county courts," approved May 22, 1877, in force July 1, 1877.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act concerning voluntary assignments and conferring jurisdiction therein upon county courts," approved May 22, 1877, in force July, 1, 1877, be and the same is hereby amended by adding sections sixteen and seventeen as follows, to-wit:

Section 16. That if for any reason any creditor or creditors of such insolvent estate shall fail to receive his distributive share of such insolvent estate or any part thereof, as the same is shown to be by any order or orders of distribution made by the county court for a period of six months after the final order of distribution shall have been made by the county court, that then and in that case the assignee or assignees shall make out and present to the county court a list of all such creditors who shall not have received their respective shares of said insolvent estate, together with the amount in the hands of such assignee belonging to such creditors, which statement shall be examined by the county court, and when found by the county court to be correct, a certified copy of the same under the hand of the county clerk shall be filed in the office of the county treasurer of said county, and said assignee shall forthwith pay to the county treasurer the sum total of all amounts mentioned and contained in said statement, taking receipt therefor from the county treasurer, and upon presentation of said receipt from said county treasurer for said money, and complying with all other provisions of the law as now existing, the said assignee shall be discharged by the county court as though payment had been made to said creditors respectively.

Section 17. That any creditor or creditors who shall apply to the county treasurer for his or their respective shares in said estate within six months from the time of the payment of said money by said assignee into the hands of said county treasurer, shall receive

the same from the said county treasurer, who shall take receipt therefor from such creditor or creditors respectively. The assignee or assignees shall at the time of turning over the money to the county treasurer give to said treasurer the address of all creditors known to him, and it shall be the duty of the said treasurer within ten days to notify by mail all such creditors to call at his office and secure the money. And at the end of six months from the time said money was paid into the hands of said county treasurer, then upon demand by the debtor or debtors making such voluntary assignment, the said county treasurer shall turn over and pay to such debtor or debtors any part or portion of said money remaining in his hands, and shall make report thereof to the county court, who shall enter an order showing final distribution and settlement of said estate.

APPROVED June 11, 1897.

## BANKS AND BANKING.

### STATE BANKS.

- § 1. Amends section 10 of the Acts of 1887 and 1889.      § 2. Act submitted to a vote of the people—Proclamation by the Governor.

Total liability for money borrowed—  
limitation—loans due and payable.

AN ACT to amend section 10 of an act entitled "An act concerning corporations with banking powers," approved June 16, 1887, adopted by the People at an election held November 6, 1888, and proclaimed in force by the Governor December 6, 1888, as amended by an act entitled "An act to amend sections one (1), six (6) and eleven (11) of an act entitled 'An act concerning corporations with banking powers,' approved June 16, 1887, approved June 3, 1889," adopted by the people at an election held November 4, 1890, and proclaimed in force by the Governor November 29, 1890.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That on a ratification of this act by a vote of the people, in accordance with the Constitution of this State, section 10 of an act entitled "An act concerning corporations with banking powers," approved June 16, 1887, adopted by the people at an election held November 6, 1888, and proclaimed in force by the Governor December 6, 1888; as amended by an act entitled "An act to amend sections one (1), six (6) and eleven (11) of an act entitled 'An act concerning corporations with banking powers,' approved June 16, 1887, approved June 3, 1889, adopted by the people at an election held November 4, 1890, and proclaimed in force by the Governor November 29, 1890, be amended so as to read as follows:

Section 10. The total liabilities to any association of any person or of any company or firm, for money borrowed, including in the liabilities of a company or firm, the liabilities of the several members thereof shall at no time exceed one-tenth part of the amount of capital of such association actually paid in. But the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed.

Every such loan made in violation of the provisions hereof shall be due and payable according to its terms, and the remedy for the recovery of any money loaned in violation of the provisions hereof, or for the enforcement of any agreement, collateral or otherwise, made in connection with any such loan, shall not be held to be impaired, affected or prohibited by reason of such violation, but such remedy shall exist notwithstanding the same. But every director of any such association who shall violate, or participate in, or assent to such violation, or who shall permit any of the officers, agents or servants of the association to violate the provisions hereof, shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person shall have sustained in consequence of such violation.

§ 2. This act shall be submitted to a vote of the people for their ratification, according to Article 11, section 5, of the Constitution of this State, at the next general election, and the question shall be, "for the amendment to section 10 of the general banking law," or, "against the amendment to section 10 of the general banking law," and it shall be the duty of the officials now required by law to print and distribute ballots for use in elections to prepare and distribute ballots for such submission, such ballots to be prepared, printed and distributed in accordance with the provisions of an act entitled "An act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891.

And if approved by a majority of all the votes cast at such election for or against such law, the Governor shall thereupon issue his proclamation that this act is then in force.

APPROVED June 4, 1897.

## CHARITIES.

## CHARITABLE INSTITUTIONS AND REFORM SCHOOL.

- § 1. Amends section 5, Act of 1875, by providing for the admission into the institution children under the age of five years.

*AN ACT to amend an act entitled "An act to regulate the State charitable institutions and the State reform school, and to improve their organization and increase their efficiency."*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 5 of an act entitled "An act to regulate the State charitable institutions and the State reform school, and to improve their organization and increase their efficiency, be amended to read as follows:

Section 5. The object of the Soldiers' Orphans' Home shall be to provide a home for the nurture and intellectual, moral and physical culture of all indigent children whose fathers served in the armies of the Union during the late rebellion, and have died or been disabled by reason of wounds or disease received therein, or have since died. That there shall be first received into the institution children under the age of five years who are in indigent circumstances, and then, if the means and endowments of the institution justify it, indigent orphans above that age and below the age of ten years shall be received; and then if there are sufficient means, all other indigent orphans, but none who are over the age of sixteen, of which age all pupils of said institution shall be discharged therefrom, and the trustees may discharge at any time any child for persistent violation of the rules of said home, or when in their judgment it is necessary for the best interest and good government of the same: *Provided*, that in special cases of peculiar inability of a pupil to support himself or herself, the trustees may retain such pupil, although above the age of sixteen years, and until such pupil has reached the age of eighteen, beyond which no pupil shall be retained.

APPROVED May 28, 1897.

## CHILDREN.

## EMPLOYMENT.

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| <p>§ 1. Provides that no child under the age of 14 shall be permitted to work for wages.</p> <p>§ 2. Employers to keep register.</p> <p>§ 3. Lists to be posted in a conspicuous place containing the name and age of employes.</p> <p>§ 4. Persons under the age of 16 years not allowed to work more than 60 hours in any one week.</p> <p>§ 5. Presence of persons under the age of 16 years in any manufacturing establishment <i>prima facie</i> evidence of their being employed.</p> | <p>§ 6. Persons under the age of 16 years not allowed to work at any hazardous employment.</p> <p>§ 7. Duty of the State factory inspector.</p> <p>§ 8. Meaning of the words "manufacturing, establishment," "factory" or "workshop."</p> <p>§ 9. Penalty for violations of the provisions of act.</p> <p>§ 10. Repeal.</p> |
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AN ACT to regulate the employment of children in the State of Illinois, and to provide for the enforcement thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no child under the age of fourteen years shall be employed, permitted or suffered to work for wages at any gainful occupation hereinafter mentioned.

§ 2. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors in any mercantile institution, store, office, laundry, manufacturing establishment, factory or workshop within this State to keep a register in said mercantile establishment, store, office, laundry, manufacturing establishment, factory or workshop in which said minors shall be employed or permitted or suffered to work, in which register shall be recorded the name, age and place of residence of every child employed, or permitted or suffered to work therein under the age of sixteen years, and it shall be unlawful for any person, firm or corporation, agent or manager of any firm or corporation to hire or employ, or to permit or to suffer to work in any mercantile institution, store, office, laundry, manufacturing establishment, factory or workshop, any child under the age of sixteen years and over the age of fourteen years, unless there is first provided and placed on file in such mercantile institution, office, laundry, manufacturing establishment, factory, or workshop an affidavit made by the parent or guardian stating the name, date and place of birth of such child. If such child shall have no parent or guardian, then such affidavit shall be made by the child. And the register and affidavits herein provided for shall, on demand, be produced and shown for inspection to the State factory inspector, assistant State factory inspector, or deputy State factory inspector.

§ 3. Every person, firm or corporation, agent or manager of a corporation employing, or permitting or suffering to work children under the age of sixteen years, and over the age of fourteen years, in

any mercantile institution, store, office, laundry, manufacturing establishment, factory or workshop shall post, and keep posted in a conspicuous place in every room in which such help is employed, or permitted or suffered to work, a list containing the name, age and place of residence of every person under the age of sixteen years employed, permitted or suffered to work in such room.

§ 4. No person under the age of sixteen years shall be employed or suffered to work for wages at any gainful occupation more than sixty hours in any one week, nor more than ten hours in any one day.

§ 5. The presence of any person under sixteen years of age in any manufacturing establishment, factory or workshop shall constitute *prima facie* evidence of his or her employment therein.

§ 6. No child under the age of sixteen years shall be employed, or permitted or suffered to work by any person, firm or corporation in this State at such extra hazardous employment whereby its life or limb is in danger, or its health is likely to be injured, or its morals may be depraved.

§ 7. It shall be the duty of the State factory inspector to enforce the provisions of this act, and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State. It shall be the duty of the State factory inspector, assistant State factory inspector, and of the deputy State factory inspectors, under the supervision and direction of the State factory inspector, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act.

§ 8. The words "manufacturing establishment," "factory" or "workshop," as used in this act, shall be construed to mean any place where goods or products are manufactured or repaired, dyed, cleaned or sorted, stored or packed, in whole or in part, for sale or for wages, and not for personal use of the maker, or his or her family or employer.

§ 9. Any person, firm or corporation, agent or manager of any corporation, who, whether for himself or for such firm or corporation, or by himself or through sub-agents or foreman, shall violate or fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense. Any corporation which, by its agents, officers or servants, shall violate or fail to comply with any of the provisions of this act shall be liable to the above penalties, which may be recovered against such corporation in an action for debt or assumpsit, brought before any court of competent jurisdiction in this State.

§ 10. All acts or parts of acts inconsistent with this act are hereby repealed.

APPROVED June 9, 1897.



## CITIES, VILLAGES AND TOWNS.

## BRIDGES, ETC., OUTSIDE OF CITY LIMITS.

§ 1. Amends section 1 of the Act of 1879 as amended by the Act of 1891.

AN ACT to amend an act entitled "*An act to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits, and to control the same,*" approved and in force May 5, 1879, as amended by an act approved June 16, 1891.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an act entitled "*An act to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits, and to control the same,*" approved and in force May 5, 1879, as amended by an act approved June 16, 1891, be amended, with the title thereto, so as hereafter to read as follows:

An act to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits, and to control the same; also, to construct, improve and maintain roads outside of their corporate limits; also, to donate money to aid townships in building, constructing and improving ferries, bridges and roads outside of their corporate limits.

Section 1. That it shall be lawful for any city or village within this State to build or acquire by purchase, lease or gift, and to maintain ferries and bridges and the approaches thereto for each ferry or bridge within the corporate limits, or within five (5) miles of the corporate limits of such city or village; also, to construct, improve and maintain roads within five (5) miles of the corporate limits of such city or village connecting with such bridges or ferries on either side thereof; also, to donate money to aid the township or townships in which such ferry, bridge or road connecting with the same is situated, in building, constructing or improving the same, and to issue the bonds of such city or village for such purpose. That all such ferries, bridges and roads shall be free to the public, and no toll shall ever be collected by any such city or village authority: *Provided*, that where any city or village has become or is the owner of any toll bridges or ferries and is keeping up and maintaining the same by authority of law, all ownership and rights vested in such city or village shall continue in and be held and exercised by them, and they may from time to time fix the rates of toll on such bridges and ferries: *And, provided further*, that in all cases where a bridge shall hereafter be built, or a ferry acquired across a navigable stream by any city or village, in whole or in part, where the population of such city or village furnishing the principal part of the expenses thereof shall not exceed five thousand (5,000) inhabitants, and where it is necessary to maintain a draw and lights, and a debt shall be incurred by such city or village for such purpose, then a reasonable toll may

be collected by the city or village contracting such indebtedness, to be set apart and appropriated to the payment of such indebtedness, interest thereon and the expenses of keeping such bridge in repair and of maintaining, opening and closing the proper draws therefor and lights; or, in case of a ferry, keeping the approaches and boat in repair and operating the same.

APPROVED June 9, 1897.

#### ASSESSMENT AND COLLECTION OF MUNICIPAL TAXES.

§ 1. Amends section 1 of the Act of 1872 as amended by Act of 1877.

AN ACT to amend an "Act in regard to the assessment and collection of municipal taxes," approved May 23, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That "An act in regard to the assessment and collection of municipal taxes," passed May 23, 1877, be and the same is hereby amended so that hereafter it shall read as follows:

All cities, villages and incorporated towns in this State, whether organized under the general law or special charter, shall assess and collect their taxes in the manner, and have power to assess and collect them at the rate provided for in article 8 of the act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and in the manner provided for in the general revenue law of this State; and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED June 11, 1897.

#### CIVIL SERVICE.

§ 1. Amends section 10<sup>1</sup>/<sub>2</sub> of the Act of 1895.

§ 10<sup>1</sup>/<sub>2</sub>. Persons who were engaged in military or naval service to have the preference.—Duties of examiner.

AN ACT to amend an act entitled "An act to regulate the civil service in cities," approved March 20, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act to regulate the civil service in cities," be amended by the addition of a section to be known as section 10<sup>1</sup>/<sub>2</sub>, which section shall read as follows:

Section 10<sup>1</sup>/<sub>2</sub>. Persons who were engaged in the military or naval service of the United States during the years 1861, 1862, 1863, 1864 or 1865, and who were honorably discharged therefrom, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of

the duties of such office, and it shall be the duty of the examiner or commissioners certifying the list of eligibles who have taken the examinations provided for in this act to place the name or names of such persons at the head of the list of eligibles certified for appointment.

APPROVED May 6, 1897.

#### COMPENSATION OF ALDERMEN.

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| <p>§ 1. Amends section 14, article 6, Act of 1872.</p> <p>§ 14. Compensation of aldermen and trustees to be fixed by ordinance.</p> | <p>§ 2. Emergency.</p> |
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AN ACT to amend "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows:*

SECTION 1. That section fourteen of article VI of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, be and the same is hereby amended as follows: By striking out all of said section and inserting in lieu thereof the words and figures following, to-wit:

Section 14. The aldermen and trustees may receive such compensation for their services as shall be fixed by the ordinances: *Provided, however,* that in cities of less than 350,000 inhabitants such compensation shall not exceed the sum of three dollars to each alderman for each meeting of the city council or board of trustees actually attended by him; in cities of more than 350,000 inhabitants such compensation shall not exceed the sum of fifteen hundred dollars per annum for each alderman, and in villages the compensation to trustees shall not exceed the sum of one dollar and fifty cents for each meeting of the board of trustees actually attended by such trustees. No other salary or compensation shall be allowed any alderman or trustee: *Provided further,* that this act shall apply to all cities, towns and villages in this State whether incorporated under a general or special law, and that in all such villages and incorporated towns the trustees thereof shall receive compensation for not more than one meeting in each week.

§ 2. WHEREAS, An emergency exists, therefore this act shall be in force and take effect from and after its passage.

APPROVED May 26, 1897.

## CONTRACTS RELATING TO GARBAGE.

§ 1. Disposition of garbage.

§ 3. Repeal.

§ 2. Appropriation.

§ 4. Emergency.

AN ACT to authorize cities of a certain class to make contracts for a period exceeding one year relating to the collection and final disposition of garbage.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any city having a population of more than one hundred thousand inhabitants, as shown by any school census or by the federal census, shall be and hereby is authorized and empowered to make contracts for more than one year and not exceeding five years relating to the collection and final disposition of garbage and ashes.

§ 2. Whenever any city shall make any such contract as is authorized by this act, it shall be and is hereby made the duty of the city council of such city to include in the annual appropriation ordinance of each current fiscal year an appropriation of a sum of money sufficient to pay the amount which, under and by the terms of any such contract, shall become due and payable during such current fiscal year.

§ 3. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

§ 4. WHEREAS, An emergency exists, this act shall be in force and effect from and after its passage.

APPROVED March 30, 1897.

## ELECTION OF ALDERMEN IN CITIES.

§ 1. Aldermen under minority representation.

§ 2. Emergency.

AN ACT in relation to the election of aldermen in cities under the minority representation plan.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities having adopted, or that may hereafter adopt, the minority representation plan for the election of aldermen, it shall be lawful for the city council to provide by ordinance that at any ensuing general city election the aldermen in every alternate district or ward shall be elected for one year and at the general city election in the following year, and every two years thereafter aldermen in such alternate districts or wards shall be elected for two years; and that at such first election, and every two years thereafter, aldermen in the other districts or wards shall be elected for two years.

§ 2. WHEREAS, An emergency exists that this act shall take effect without delay, therefore this act shall take effect and be in force from and after its passage.

APPROVED March 29, 1897.

## FIRE INSPECTORS IN CITIES.

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| <p>§ 1. Inspectors in cities of over 500,000 inhabitants to investigate the cause, origin and circumstances of every fire.</p> <p>§ 2. Duty of fire inspectors.</p> | <p>§ 3. Powers of fire inspectors.</p> <p>§ 4. Penalty.</p> |
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*AN ACT empowering the fire inspector in cities of five hundred thousand and over to investigate the cause, origin and circumstances of fires, and to examine persons under oath in reference to the origin of fires.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The fire inspector of cities of five hundred thousand and over shall investigate the cause, origin and circumstances of every fire occurring in cities aforesaid, and shall especially make investigation whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including the Lord's day, of the occurrence of such fire, and the fire inspector shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The said fire inspector shall keep in his office a record of all fires occurring in cities aforesaid, together with all the facts, statistics and circumstances, including the origin of the fire and the value and ownership of the property destroyed, which may be determined by the investigations provided for by this act, and such record shall at all times be open to public inspection.

§ 2. It shall be the duty of said fire inspector to examine, or cause examination to be made, into the cause, circumstances and origin of all fires occurring in cities aforesaid to which his attention has been called by which property is accidentally or unlawfully burned, destroyed or damaged, and to especially examine and decide whether the result was caused by carelessness or act of an incendiary. The said fire inspector shall, when in his opinion said proceedings are necessary, take, or cause to be taken, the testimony, on oath, of all persons supposed to be cognizant of any facts, or to have means of knowledge in relation to the matters as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person guilty of the crime of arson, he shall cause such person to be arrested, charged with such offense, and shall furnish to the State's attorney all such evidence, together with the names of the witnesses, and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case, and he shall report to the insurance superintendent, as such superintendent shall require, his proceeding and progress made in all prosecutions of arson, and the result of all cases which are finally disposed of.

§ 3. The said fire inspector shall have the powers of a trial justice for the purpose of summoning and compelling the attendance of witnesses before him to testify in relation to any matter which is, by

provisions of this act, a subject of inquiry and investigation. Said fire inspector may also administer oaths and affirmations to persons appearing as witnesses before him, and false swearing in any matter or proceeding aforesaid shall be deemed perjury, and shall be punished as such. Said fire inspector and his subordinates shall have authority at all times of the day or night, in the performance of the duties imposed by the provisions of this act, to enter upon an examination of any building or premises where a fire has occurred, and other buildings and premises adjoining or near to the same. All investigations held by or under the direction of the fire inspector may, in his discretion, be private, and persons other than those required to be present by the provisions of this act may be excluded from the place where such investigation is held, and the witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

§ 4. Any owner or occupant of buildings or premises failing to comply with the orders of the fire inspector as above specified shall be punished by a fine of not less than \$10.00 nor more than \$50.00 for each day's neglect. And if the fire inspector neglects or refuses to comply with any of the requirements of this act, he shall be punished by a fine of not less than \$25.00 nor more than \$200.00.

APPROVED June 9, 1897.

#### HOUSE OF CORRECTION IN CITIES.

##### § 1. Municipalities to establish houses of correction.

*AN ACT to authorize cities to establish houses of correction outside of the corporate limits and authorize the confinement of convicted persons therein.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be lawful for the municipal authorities of any city within this State to purchase, own and control not to exceed forty acres of land within the incorporate limits of such city, or outside and within three miles of the corporate limits of any such city, for the purpose of establishing thereon a house of correction and other buildings or appurtenances thereto which shall be used for the confinement and punishment of criminals or persons sentenced or committed thereto under the provisions of this act, or any law of this State, or ordinance of any city or village, authorizing the confinement of convicted persons in any such house of correction.

And when such land is purchased and house of correction established by any such city outside of the corporate limits thereof, such city and the municipal authorities thereof shall have full and complete police powers over such lands and territory surrounding the same as is now conferred by law upon incorporated cities, towns and villages within this State over territory lying within the corporate limits thereof.

APPROVED June 11, 1897.

## OF THE ORGANIZATION OF CITIES AND VILLAGES.

- § 1. Legalizes certain elections for the incorporation of cities and villages. | § 2. Emergency.

AN ACT to legalize certain elections held under "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any city, town or village, since the amendment of section 1, article 1, chapter 24, of the Revised Statutes, approved February 26, 1881, and also since the amendment of section 13 of said chapter 24, approved June 27, 1895, has held an election to incorporate as a village or city under the general law, and such election has been held on some other day than the days in said section 1 of said statute provided, or if the returns of any election heretofore held to incorporate any city or village under the general law have not been entered upon the records of such city or village or the county court, showing the canvass of votes and the result of such election, and a certified copy of such records filed and recorded in the office of the recorder of deeds in the county in which such city or village is situated, and filed in the office of the Secretary of State, such elections so held by any such village, city or town, if in other respects in compliance with the law, are hereby declared legal and valid: *Provided*, such returns of such elections are now, or shall be made within three months from the date upon which this act becomes effective, and certified copies of the same filed and recorded as required in section 13 as amended, to which this act refers, within said three months, and all elections of officers and organizations of any cities or villages in this State under and by virtue of any such elections if otherwise according to law, are hereby legalized and made effective, and all the acts of any such cities or villages, if otherwise legal, are also hereby made legal and binding; and upon the filing and recording as aforesaid, the Secretary of State shall charter said city or village by his certificate duly authenticated under his hand and the great seal of the State.

§ 2. WHEREAS, The election for city and village officers under said statute will occur on the third Tuesday of April, therefore an emergency exists, and this act shall be in force from and after its passage.

APPROVED May 6, 1897.

## ORGANIZATION.

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| § 1. Provides that any city, town or village having a special prohibitory license clause may reorganize. | § 2. Form of ballots. |
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*AN ACT providing that cities, villages and incorporated towns now under special charters having a special prohibitory license clause therein, may reorganize under the general law and retain such prohibitory license clause by making the same a public act by a majority vote at the election for such reorganization.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any city, village or incorporated town in this State now existing under or by virtue of any special charter having a special prohibitory license clause therein desiring to reorganize under the general law, being "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872. In such cases made and provided, and not wishing to relinquish such prohibitory license clause, may do so by making the same a public act by a majority vote at the election for such reorganization.

§ 2. The ballots to be used at such election shall be in the following form: "For city organization under general law by retaining prohibitory clause;" or "Against city organization under general law by retaining prohibitory clause." The judges of such election shall make returns and cause the result of such election to be entered upon the records of such city. If a majority of the votes cast at such election shall be for city organization under general law by retaining prohibitory clause, such city shall thenceforth be deemed to be organized under the general law and such prohibitory clause shall thereby be declared a public act, and shall have the same force and effect as if made a part of said general law; and all acts or parts of acts in the general law in conflict with the same shall be of no force and effect.

APPROVED June 9, 1897.

## POLICE MATRONS IN CITIES.

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| § 1. Mayor to appoint police matrons in cities having a population of over 16,000 inhabitants. | § 2. Salaries of police matrons. |
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*AN ACT to provide for the appointment of police matrons in cities having 16,000 inhabitants or more.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all incorporated cities in this State having a population of sixteen thousand inhabitants or more, it shall be the duty of the mayor of such city, subject to confirmation by the council of such city, to appoint for the



term of one year one or more police matrons, who shall have charge of all female prisoners in their respective cities, in the police station, city prison, workhouse, or calaboose of such city, and who shall perform such duties in that regard as shall be prescribed by the ordinances of such city: *Provided*, in cities of over 50,000 inhabitants they need not be confirmed by the council or board of trustees.

§ 2. The salaries to be paid to each of said matrons shall be fixed annually by the council or president and, as the case may be, out of the funds to be duly appropriated for that purpose.

APPROVED May 25, 1897.

#### PRIVILEGES FOR LIGHTING AND HEATING.

§ 1. Provides that the city council or board of trustees shall not grant a franchise for lighting and heating except upon petition of the owner of the land.

*AN ACT to regulate and prescribe the conditions for the granting of rights and privileges for lighting and heating purposes by cities, villages and incorporated towns, and providing a remedy by the property owner where such conditions have not been complied with.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city council in cities, or the president and board of trustees in villages and incorporated towns, shall have no power to pass an ordinance granting to any person or corporation the right or privilege to lay any gas pipes for the distribution of inflammable gas for fuel or lighting purposes, or to pass an ordinance granting to any person or corporation the right or privilege to lay in or on the ground, or string on poles any wires on, over or by which electricity for lighting purposes is to be used, conveyed or distributed in any street, alley or public grounds in any such city, village or incorporated town, except upon the petition of the owner of the land representing more than one-half of the frontage on the street or alley, or so much thereof as is sought to be used for the purposes above mentioned, or any or either of them, and when the street or alley, or part thereof sought to be used shall be more than one mile in length, no right or privilege to lay pipes, or lay or string wires for lighting purposes, shall be granted, unless a petition therefor shall be presented to the city council of the city, or board of trustees of the incorporated town or village, in which such right or privilege is sought, signed by the owners of the land representing more than one-half of the frontage of each mile, and of the fraction of a mile, if any, in excess of the whole mile, measuring from the initial point named in such petition of such street or alley, or of the part thereof sought to be used for the purposes above mentioned, or either of them. Any person being the owner of, or interested in, any lot fronting on any street or alley, or part thereof, as is sought to be used for any or either of such purposes, shall have the right by bill in chancery, in his or their own name, to enjoin any person

or corporation from using such street or alley, or part of street or alley, for either of such purposes, under any grant by the city council or board of trustees which is not made in conformity with the provisions hereof, and the sufficiency of the petition herein required shall be ascertained by the court in which such bill in chancery may be filed.

APPROVED June 5, 1897.

#### SPECIAL ASSESSMENTS.

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| § 1. Powers conferred                                 | § 31. Order for possession.   |
| § 2. Municipal officers in cities of 25,000 and over. | § 32. Proceedings pending appeal.                                   |
| § 3. Same in smaller municipalities.                  | § 33. Filing roll—Commissioners—Deficiency—Revised assessment roll. |
| § 4. Ordinance authorizing improvements—Contents.     | § 34. Improvement requested by majority of frontage—Sidewalks.      |
| § 5. Restriction on passage of ordinance.             | § 35. Special tax.  |
| § 6. Board of local improvements.                     | § 36. Special assessment.   |
| § 7. Proceedings preliminary to public hearing.       | § 37. Jurisdiction of courts.                                       |
| § 8. Public hearing.                                  | § 38. Order for assessment.   |
| § 9. Recommendation by board.                         | § 39. Apportionment of cost.  |
| § 10. Estimate of cost.                               | § 40. Description of property assessed.                             |
| § 11. Publication of ordinance.                       | § 41. Assessment roll—Notices.                                      |
| § 12. When property is taken.                         | § 42. Division assessment into installments.                        |
| § 13. Petitions.                                      | § 43. Retirement of bonds annually.                                 |
| § 14. Contents of petition—Commissioners.             | § 44. Notice by posting and publication.                            |
| § 15. Commissioners' report.                          | § 45. Continuance for notice.                                       |
| § 16. Net damage or benefit.                          | § 46. Objection.  |
| § 17. Offset for land donated.                        | § 47. Review of assessment roll by the court.                       |
| § 18. Commissioners' certificates.                    | § 48. Hearing of legal objections.                                  |
| § 19. Affidavit of ownership.                         | § 49. Trial by jury.  |
| § 20. Jurisdiction of defendants.                     | § 50. Distribution of deficiency.                                   |
| § 21. Mailing notice to owners.                       | § 51. Precedence for trial.   |
| § 22. Mailing notices to parties assessed.            | § 52. Modification by court.  |
| § 23. Trials.   | § 53. Land to be first acquired.                                    |
| § 24. Separate trials.                                | § 54. Prior improvement of same kind no objection.                  |
| § 25. View by the jury.                               | § 55. Judgment on installment assessments.                          |
| § 26. Adjournments.                                   | § 56. Effect of judgment.   |
| § 27. Where title has changed.                        | § 57. Vacation of assessment—New assessment.                        |
| § 28. Adverse claimants.                              | § 58. New assessment for completed work.                            |
| § 29. Infant or insane owners.                        | § 59. Supplemental assessments.                                     |
| § 30. Effect of judgment.                             |   |

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| <p>§ 60. New assessment against delinquents.</p> <p>§ 61. Collection—Certifying roll.</p> <p>§ 62. Warrant to collector.</p> <p>§ 63. Collector's notice.</p> <p>§ 64. Collector's demand — Penalty — Entry of payment.</p> <p>§ 65. Report of delinquent list to county collector.</p> <p>§ 66. Report to be evidence.</p> <p>§ 67. Application for judgment—Sale—Revenue laws to govern.</p> <p>§ 68. Return of sales—Redemption.</p> <p>§ 69. Sale where assessment paid—Penalty.</p> <p>§ 70. Paying over—Compensation.</p> <p>§ 71. General revenue laws apply.</p> <p>§ 72. Municipality may buy in.</p> <p>§ 73. Contracts payable from assessments—Claim limited to fund collected.</p> <p>§ 74. Letting contracts—Approval.</p> <p>§ 75. When no appeal taken—Letting contract.</p> <p>§ 76. Notices for letting contracts—Bids.</p> <p>§ 77. Accepting bid—Contract.</p> <p>§ 78. Persons interested entitled to hearing.</p> <p>§ 79. Notice of awarding contract.</p> <p>§ 80. Owners of a majority of the frontage may take contract.</p> | <p>§ 81. Rejecting bids in case of default.</p> <p>§ 82. Completing unfinished work.</p> <p>§ 83. Execution and superintendence of work—No recourse to municipality.</p> <p>§ 84. Crediting excess upon assessments.</p> <p>§ 85. Inspection of work.</p> <p>§ 86. Bonds to anticipate installments of assessments.</p> <p>§ 87. Bonds to be issued at par and accrued interest.</p> <p>§ 88. Payment of bonds or vouchers.</p> <p>§ 89. Payment of assessment in bonds.</p> <p>§ 90. No claims except against the assessment.</p> <p>§ 91. Payment as work progresses.</p> <p>§ 92. Interest on bonds to be paid out of assessments.</p> <p>§ 93. Crediting rebates.</p> <p>§ 94. Expenses to be paid from general fund.</p> <p>§ 95. Appeals.</p> <p>§ 96. Writs of error.</p> <p>§ 97. Adoption of this act by other municipalities.</p> <p>§ 98. Use of provisions of this act by other corporate authorities.</p> <p>§ 99. Repeal of conflicting act—Pending cases.</p> |
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### AN ACT concerning local improvements.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* POWERS CONFERRED.] That the corporate authorities of cities, villages and incorporated towns are hereby vested with the power to make such local improvements as are authorized by law by special assessment, or by special taxation, of contiguous property, or by general taxation, or otherwise, as they shall by ordinance prescribe:

*Provided*, that this act shall apply only to such cities and villages as are now, or shall hereafter become, incorporated under an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, and to all cities, villages and incorporated towns which have heretofore adopted article 9 of the act above mentioned, in the manner therein provided, or shall hereafter adopt this act as herein provided; but all other corporate authorities, having power to levy special assessments or special taxes for local improvements, may make use of the provisions of this act for that purpose in the manner hereinafter provided.

§ 2. MUNICIPAL OFFICERS IN CITIES OF 25,000 AND OVER.] In cities of this State having a population of twenty-five thousand or more, by the last preceding census of the United States, or of this State, there shall be appointed and designated, in the manner provided by law, or if no such method be provided, then by appointment of the mayor, a commissioner of public works, a superintendent of streets, a superintendent of special assessments, a superintendent of sewers and a city engineer. The compensation of such officers, if not fixed by law, shall be determined by the city council or board of trustees, and no order, resolution or ordinance to change the same shall be passed within one month after its introduction and publication. Such offices shall not be discontinued at any time by ordinance or otherwise, but vacancies therein shall be filled in the same manner as the original appointment. The appointees to said offices shall be subject to removal by the mayor, but the term of office shall be held to expire as soon after the end of the term of the mayor appointing as their successors shall be appointed and qualified.

§ 3. SAME IN SMALLER MUNICIPALITIES.] In cities having a population of less than twenty-five thousand, ascertained as aforesaid, and in villages and incorporated towns, the city council or board of trustees may, in their discretion, provide by ordinance that the mayor or president, as the case may be, shall appoint and designate a superintendent of streets and a public engineer, which offices may be discontinued by ordinance, to take effect at the expiration of the then fiscal year, and no officer filling any office so discontinued shall have any claim against such city, village or town for any compensation after such discontinuance. Vacancies therein shall be filled as above provided. The compensation and term of office shall be ascertained as in the last paragraph.

§ 4. ORDINANCE AUTHORIZING IMPROVEMENTS—CONTENTS.] When any such city, village or town shall by ordinance provide for the making of any local improvement, it shall by the same ordinance prescribe whether the same shall be made by special assessment, or by special taxation of contiguous property, or general taxation, or both. But in cities, towns or villages having a population of less than twenty-five thousand, ascertained as aforesaid, no ordinance for making any local improvement shall be adopted, unless the owners of a majority of the property in any one or more contiguous blocks abutting on any street, alley, park or public place shall petition for such local improvement.

§ 5. RESTRICTION ON PASSAGE OF ORDINANCE.] No ordinance for any local improvements, to be paid wholly or in part by special assessment or special taxation, shall be considered or passed by the city council or board of trustees of any such city, village or town, unless the same shall first be recommended by the board of local improvements provided for by this act.

§ 6. BOARD OF LOCAL IMPROVEMENTS.] In cities within the terms of this act having a population of 25,000 or more by the last preceding census of the United States, or of this State, there

is hereby created a board of local improvements, consisting of five members, of which board the commissioner of public works shall be president. The other members of said board shall be the superintendent of streets, the superintendent of sewers, the superintendent of special assessments and the city engineer. In cities having a population of less than 25,000, and in villages and incorporated towns, there shall be constituted a like board; the mayor of said city, or the president of such village or town, shall be president of such board, and the other members shall be the public engineer and superintendent of streets of such municipality where such officers shall be provided for by ordinance, but if at any time no such officers shall be provided for, then the city council or the board of trustees, as the case may be, shall by ordinance designate two members of such body, who shall, until otherwise provided by ordinance, constitute the other members of the board.

§ 7. PROCEEDINGS PRELIMINARY TO PUBLIC HEARING.] All ordinances or local improvements, to be paid for wholly or in part by special assessment or special taxation, shall originate with the board of local improvements. Petitions for any such public improvement shall be addressed to said board. Said board shall have the power to originate a scheme for any local improvement, to be paid for by special assessment or special tax, either with or without a petition, and in either case shall adopt a resolution describing the proposed improvement, which resolution shall be at once transcribed into the records of the board. Whenever the proposed improvement will require that private property be taken or damaged, such resolution shall describe the property proposed to be taken for that purpose. Said board shall, by the same resolution, fix a day and hour for the public consideration thereof, which shall not be less than ten days after the adoption of such resolution. Said board shall also cause an estimate of the cost of such improvement (omitting land to be acquired), to be made in writing by the public engineer (if there be one, if not then by the president) over his signature, which shall be itemized to the satisfaction of said board, and which shall be made a part of the record of such resolution. Notice of the said time and place shall be published by posting in at least four conspicuous places in the vicinity of the proposed improvement, shall contain the substance of the resolution adopted by the board, the estimate of the cost of the proposed improvement. In case the said resolution shall be adopted in pursuance of a petition of the owners of at least one-half of the private property to front upon said improvement, the said posting shall be sufficient. If the same originate with the board, without petition, a like notice shall be sent by mail directed to the person who paid the general taxes for the last preceding year on each parcel fronting on the improvement proposed, and also in either case posted as aforesaid. In case any petition is presented for a local improvement, a hearing shall be had in the same manner indicated above, whether a preliminary resolution be adopted by the board or not; and if, upon such hearing, the board shall deem such

improvement desirable, they shall adopt a resolution therefor, and prepare and submit an ordinance therefor as hereinafter provided.

§ 8. PUBLIC HEARING.] At the time and place fixed in said notice for public hearing, the said board shall meet and hear the representations of any person desiring to be heard on the subject of the necessity for the proposed improvement, the nature thereof, or the cost as estimated. After such hearing, in case any person shall appear to object to the proposed improvement, or any of the elements thereof, said board shall adopt a new resolution, abandoning the said proposed scheme, or modifying the same, or adhering thereto, as they shall consider most desirable; and thereupon, if the said proposed improvement be not abandoned, the said board shall cause an ordinance to be prepared therefor, to be submitted to the council or board of trustees (as the case may be). Such ordinance shall prescribe the nature, character, locality and description of such improvement, and shall provide whether the same shall be made wholly or in part by special assessment, or special taxation of contiguous property; and if in part only, shall so state. If property is to be taken or damaged for said improvement, such ordinance shall describe the same with reasonable certainty.

§ 9. RECOMMENDATION BY BOARD.] With any such ordinance, presented by such board to the city council or board of trustees, shall be presented also a recommendation of such improvement by the said board, signed by at least a majority of the members thereof. The recommendation by said board shall be *prima facie* evidence that all the preliminary requirements of the law have been complied with, and if a variance be shown on the proceedings in the court, it shall not affect the validity of the proceeding unless the court shall deem the same willful or substantial.

§ 10. ESTIMATE OF COST.] Together with the said ordinance and recommendation shall be presented to the city council or board of trustees an estimate of the cost of such improvement itemized so far as the board of local improvements shall think necessary, over the signature of the engineer of the board, if there be one; if not, then of the president of said board, who shall certify that, in his opinion, the said estimate does not exceed the probable cost of the improvement proposed and the lawful expenses attending the same. The recommendation by said board shall be *prima facie* [evidence] presumed to be based upon a full compliance with the requirements of the act.

§ 11. PUBLICATION OF ORDINANCE.] Upon the presentation to the common council or board of trustees of such proposed ordinance, together with such recommendation and estimate, if the said estimate of cost shall exceed the sum of one hundred thousand dollars (\$100,000.00), (exclusive of the amount to be paid for land to be taken or damaged), such ordinance shall be referred to the proper committee and published in the proceedings of the council or board of trustees, in the usual way, in full, with the recommendation and estimates, at least one week before any action shall be taken thereon by the council or board of trustees.

§ 12. WHEN PROPERTY IS TAKEN.] Should such an ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as described in sections 13 to 33, inclusive, in this act.

§ 13. PETITION.] Whenever any such ordinance shall be passed by the legislative authority of any such city, village or town, for the making of any local improvement that such city, village or town is authorized to make, to be paid for wholly or in part by special assessment or by special taxation, the making of which will require that private property be taken or damaged for public use, such city or village shall, either in such ordinance or by subsequent order, designate some officer to file a petition in some court of record of the county in which such city, village or town is situated, in the name of the municipality, praying that steps may be taken to ascertain the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance, and to ascertain what property will be benefited by such improvement, and the amount of such benefit.

§ 14. CONTENTS OF PETITION—COMMISSIONERS.] Such petition shall contain a reasonably accurate description of lots, blocks, tracts and parcels of land which shall be taken or damaged. There shall be filed with or attached to such petition a copy of said ordinance, certified by the clerk, under the corporate seal, but the failure to file such copy shall not affect jurisdiction of the court to proceed in said cause and to act upon said petition; but if it shall appear in any such cause that a copy of the ordinance has not been attached to or filed with said petition before the report of the commissioners shall be filed, as provided in section fifteen, then, upon motion of any person whose real estate is to be taken or to be assessed, the entire petition and proceedings shall be dismissed. Upon the filing of the petition the court shall enter an order designating two competent persons as commissioners, to act with the superintendent of special assessments (where such officer is provided for by this act, and in other cases the president of said board of local improvements), who shall investigate and report to the court the just compensation to be made to the respective owners of private property which will be taken or damaged for the said improvement, and also what real estate will be benefited by such improvement, and the amount of such benefits to each parcel. Neither shall be employes of the petitioning municipality, and both shall be disinterested persons. They shall be allowed a fee for their services, which shall be fixed by the court in advance and taxed as costs and included in the amount to be assessed. The amount so allowed may be taxed as costs and included in the amount to be assessed. The amount so allowed may be reviewed by the court on motion. Said three commissioners shall be duly sworn to make a true and just assessment of the cost of said improvement according to law. The concurrence of any two in a report shall be sufficient.

§ 15. COMMISSIONERS' REPORT.] Such commissioners shall thereupon make such investigation and prepare and file in court their report accordingly, in and by which report they shall, in one column, describe the respective parcels of property to be taken or damaged for such improvement; in another column the respective owners of record of the said parcels of land, the name and residence of each such owner being set opposite his own property; in another column the name and residence of the occupant, where the property is occupied, so far as known to such commissioners or can be found upon diligent inquiry; in another column the amount of the value of each piece or parcel to be taken for such improvement, setting the same opposite the property to which it relates; and in another column the amount of damages, if any, which, in their opinion, will result to any piece or parcel of land not taken, by reason of the said improvement, describing each piece or parcel so damaged by a reasonably accurate description. Said commissioners shall further estimate and report what proportion of the total cost of such improvement (including therein their estimate of value and damages and the estimate of cost,) will be of benefit to the public and what proportion thereof will be of benefit to the property, and shall apportion the same between the municipality and such property so that each shall bear its relative equitable proportion; and having found said amounts, shall further report what lots, blocks, tracts and parcels of land will be specially benefited by the said improvement, and shall describe the same by a reasonably accurate description, and shall apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by said improvement: *Provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefited.

§ 16. NET DAMAGE OR BENEFIT.] If the amount awarded to any person for property taken or damaged for such proceeding be greater than the amount assessed against him for such improvement, or if the benefit be greater than the damage, in either case the difference only shall, in any case, be collectable of them or paid to them.

§ 17. OFFSET FOR LAND DONATED.] In the assessment of damages and benefits for the opening of any street or alley it shall be lawful for such commissioner, in making such assessment, where part of the land to be laid out into such street or alley has been theretofore donated by any person or persons for such street or alley, to appraise the value of the land so donated, and to apply the value thereof, so far as the amount so appraised shall go, as an offset to the benefits assessed against the person or persons making such donation, or parties claiming under them, but nothing herein contained shall authorize any person or persons by whom such donation is made to claim from the city, village or town the amount of such appraisal, except as an offset, as herein provided; and where the assessment is only for the widening of any street which may have been theretofore donated, either in whole or in part, to the public by the



proprietors of the adjoining land, it shall also be lawful for said commissioners, in their discretion, to make such allowance therefor in their assessment of benefits as shall seem to them equitable and just; but in either such case they shall state in their report the amount of such allowance, and the same shall be subject to review as the court shall direct.

§ 18. COMMISSIONERS' CERTIFICATE.] Such commissioners shall return their said report to the court in which said petition was filed, and file the same with the clerk thereof, with their certificate duly verified, stating in substance that they have carefully examined the questions referred to in their report, and that in their opinion the amounts awarded for damages and value therein, and the assessment district therein shown, and the respective amounts assessed against the private property, and also the apportionment of the cost of said improvement between the public and the private property assessed, and the allowance for property theretofore dedicated, if any, are correct, equitable and just. The return and filing of such report shall be deemed an application by the petitioner for judgment of condemnation of the property so to be taken or damaged and for a confirmation of the said assessment of benefit.

§ 19. AFFIDAVIT OF OWNERSHIP.] The superintendent of special assessments, or president of the board of local improvements (as the case may be), shall file with said report an affidavit made by himself, or by some employé of his office, that the affiant has carefully examined the records in the recorder's office of the said county for the names of the owners of record of the several lots, blocks, tracts and parcels of land to be taken or damaged for said improvement, and also for the names of the owners of record of the respective lots, blocks, tracts and parcels of land against which benefits are assessed in said report, and that the names of such owners are correctly shown in the column or schedule of ownership in said report; also, that he has diligently inquired as to the residence of the respective owners of property to be taken or damaged for said improvement, and of all the respective lots, blocks, tracts and parcels of land against which benefits are assessed in said report, that the names of such owners are correctly shown in the column or schedule of ownership in said report; also, that he has diligently inquired as to the residence of the respective owners of property to be taken or damaged for said improvement, and of all the respective lots, blocks, tracts and parcels of land against which benefits have been assessed in said report (specifying the nature of the inquiry and examination he has made for that purpose), and that the residences of the said owners are correctly stated, according to the result of his said examination, in the column or schedule of residences in said report; also, that in all cases where he has been unable to find the residence of the owner of such record title, he has examined the return of the collector's warrant for taxes on real estate for the preceding year, and has set opposite each such parcel, whose owner has not been found, the name of the person who paid the tax on said parcel for the preceding year, together with his place of residence, wherever, on diligent inquiry, he was able to find the same.

Said affidavit, or an affidavit filed therewith, shall further state that the affiant has visited each of the parcels of land to be taken or damaged for said improvement described in said report, for the purpose of ascertaining whether or not the same was occupied, and the name and residence of the occupant, if any; and that in every case where said parcels of land were found to be occupied, upon such investigation, the name of the occupant is stated in said report opposite such parcel, together with his residence, when ascertained. Such affidavit and report shall be *prima facie* evidence that the requirements of this act have been complied with.

§ 20. JURISDICTION OF DEFENDANTS.] Every person who shall be named in said report as an owner of property to be taken or damaged for the said improvement, and every person who shall be therein named as an occupant of any parcel thereof, shall be made a party defendant in said proceeding. All other persons having or claiming interests in any of said premises shall be described and designated as "all whom it may concern," and by that description shall be made defendants. Upon the filing of the report aforesaid, a summons, which may be made returnable upon any day in term time, not less than fifteen (15) days after its date, shall be issued and served upon the persons made party defendants, as in cases in chancery. But if service of such summons shall be had less than ten days before said return day, no steps shall be taken in said matter against the defendant so served, or his property, before the first day of the next term of said court which shall occur ten days or more after such service. And as to such of said defendants as are shown by said affidavit to be non-residents of the State of Illinois, or whose residences are shown thereby to be unknown, and the defendants designated as "all whom it may concern," the clerk of the court shall cause publication to be made in some newspaper designated by the court for that purpose by an order to be entered of record in the cause, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, the time and the place of the return of the summons in the case, the description of the property to be taken or damaged, the total cost of the improvement as shown by the estimate and report, and the nature of the proceeding; such notice shall further state that a special assessment has been made to raise the cost of said improvement, and the time and place of filing the report thereof; such publication to be made four weeks, consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. A similar notice shall be posted for ten days before such return day in two public places in the vicinity of said improvement.

§ 21. MAILING NOTICE TO OWNERS.] Where the residence of any defendant named in said report is shown thereby to be outside of the State of Illinois, and such residence is stated therein, a copy of the said notice shall be sent by mail to such party, at the address so given, at least fifteen days prior to the return day of the said summons. If the residence of any defendant shall be found to be unknown, as shown by the said report and affidavit, a similar notice shall

be sent to the person last paying taxes upon such premises, if his residence be stated in such report. Such service, publication and notices shall be sufficient to give the court jurisdiction of all the parties whose lands are to be taken or damaged, so as to determine all questions relating to said proceeding, and affecting the lands described in the report.

§ 22. MAILING NOTICES TO PARTIES ASSESSED.] There shall be sent by mail, post paid, to each person whose property has been assessed for benefits in said proceeding (not being owners of property taken or damaged therefor), directed to the address as shown in said report, or where not so shown, then generally to the city, village or town in which said improvement is to be made, at least fifteen days before the said return day, a notice stating the nature of said improvement, the description of such owner's property assessed therefor, the amount of such assessment, and the date when the summons in said cause will be returnable, and when objections thereto may be filed. An affidavit of one of the commissioners, or some other person, showing such service, mailing, posting and publication, shall be *prima facie* evidence of a compliance with all the requirements thereof; but the publication may be proved in any other manner provided by law.

§ 23. TRIALS.] Upon the return of said summons, or as soon thereafter as the business of the court will permit, the court shall proceed to a hearing of the said cause, and shall impanel a jury to ascertain the just compensation to be paid to all such owners of property to be taken or damaged; and if objections shall be filed to the confirmation of the assessment of benefits, such objections shall be submitted to the same jury at the same time; and thereupon such jury shall ascertain the just compensation to be paid to the owner of each lot, block, tract or parcel of land to be taken or damaged in said proceeding, and shall also determine whether or not any lot, piece or parcel of land assessed in said proceeding, for which objections have been filed, has been assessed more than it will be benefited by said improvement, and on such hearing the report of the officer, so returned and filed as aforesaid, shall be *prima facie* evidence, both of the amount of the compensation to be awarded and of the benefits to be assessed.

§ 24. SEPARATE TRIALS.] If, however, any defendant or party interested shall demand, and if the court shall deem it proper, separate juries may be impaneled, either as to the benefits assessed or as to the compensation or damages to be paid to any one or more of such defendants or parties in interest.

§ 25. VIEW BY THE JURY.] The court may, upon the motion of the petitioner, or of any person claiming any such compensation, direct that the jury, (under the charge of an officer), shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement, and in any case, where there is no satisfactory evidence given to the jury as to the ownership of, or as to the extent of, the interest of any defendant in the property

to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or damaged, and for the entire interests therein.

§ 26. ADJOURNMENTS.] Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall continue or adjourn the cause from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by notice or by publication, and shall order a new summons to issue and publication to be made, and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants for private property taken or damaged, and the amount of benefits to be assessed against them, if any; and like proceedings shall be had for such purpose as hereinbefore provided in the case of other owners; but no final judgment shall be entered as to any of the property embraced in said roll until all the issues in the case have been disposed of, including revised or recast rolls, if any.

§ 27. WHERE TITLE HAS CHANGED.] The court shall have power, at any time, upon proof that any such owner named in such petition, who has not been served with process, has ceased to be such owner since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or damage thereto) which has been owned by the person so ceasing to own the same, and benefits thereto; and the court may, upon any finding or findings of the jury, or at any time during the course of such proceedings, enter such order, rule, judgment or decree as the nature of the case may require.

§ 28. ADVERSE CLAIMANTS.] No delay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may require the jury to ascertain the entire compensation or damage that should be paid for the property, or part of the property, and the entire interests of all parties therein, and may require adverse claimants to interplead, so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

§ 29. INFANT OR INSANE OWNERS.] When it shall appear from said petition or otherwise, at any time during the proceedings upon such petition, that any infant or insane or distracted person is interested in any property that is to be taken or damaged, the court shall appoint a guardian *ad litem* for such infant or insane or distracted person, to defend the interest of such infant or insane or distracted person in such property, or the compensation which shall be awarded therefor.

§ 30. EFFECT OF JUDGMENT.] Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries shall be a lawful and sufficient condemnation of the land or property to be taken, upon the payment of the net amount of such finding, as hereinafter provided. It shall be final and conclusive as to the damages and benefits caused by such improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if the petitioner shall deposit, as directed by the court, the amount of judgment and costs, after deducting the benefits assessed and adjudged against such property, if any, and shall file a bond in court in which such judgment was rendered, in a sum to be fixed, and with security to be approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded for the property in question and costs.

§ 31. ORDER FOR POSSESSION.] The court, upon proof that the amount of said just compensation, so found by the jury, (in excess of the benefits so assessed and adjudged against the same property), has been paid to the person entitled thereto, or has been deposited as directed by the court, (and bond given, in case of an appeal or writ of error,) shall enter an order that the petitioner shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which compensation shall have been so paid or deposited as aforesaid. Such order shall not be appealable as a separate order if the same be entered in time to be made a part of the record on appeal or writ of error from the judgment, or before the cause is taken under advisement upon hearing by the Supreme Court, but may be reviewed upon appeal or writ of error from the judgment.

§ 32. PROCEEDINGS PENDING APPEAL.] Upon the return of a verdict in a proceeding to acquire property for a public improvement, if no motion for a new trial be made, or if made, then if overruled, the petitioner shall within ninety days after final judgment as to all defendants, both as to the amount of damages and compensation to be awarded and benefits to be assessed, elect whether it will dismiss said proceeding or enter judgment in said verdict. If it shall elect to enter such judgment, it shall become thereby bound and liable to pay the amount thereof, whether such assessment be collected or not, and such judgment or condemnation shall not be conditional. Petitioner shall not thereafter be permitted to withdraw from such proceeding, or to dismiss the same, without the consent of all parties whose land is thereby condemned, except as hereinafter provided. In case an appeal or writ of error be taken by either party from the judgment of condemnation or confirmation, then unless the petitioner shall file in the cause its written election to proceed with the improvement notwithstanding the appeal, no steps shall be taken to collect the assessment, nor to compel payment of the compensation awarded until said appeal or writ of error be disposed of and final judgment entered in the cause; or in case of reversal, until a new

trial and judgment; but in case of final reversal petitioner may still elect to abandon the proceeding: *Provided*, the same be done within sixty (60) days thereafter.

§ 33. If, in any case, upon the filing of the roll by the commissioners, it shall appear that the amount assessed as benefits is not sufficient to pay the awards, with the costs; or if, upon the disposition of the whole case, any such deficiency shall appear, the court may, on the application of the petitioner, cause the roll to be again referred to the same or other commissioners, to be recast; and in such cases said commissioners shall consider and report whether or not other premises will be benefited by said improvement, or whether or not the premises already assessed will be benefited thereby in any greater amount, and in what amount, if any; and shall make and return a revised assessment roll, and the same may be done from time to time as often as any deficiency shall appear. But no lot, block, tract or parcel of land shall be assessed more than it will [be] benefited by said improvement, nor more than its proportionate share of the costs of the improvement. If any premises not already described in said roll shall be assessed by the commissioners, the owners thereof shall be shown, a notice given as for an original assessment; and if the assessment on any premises previously assessed shall be increased thereby, or if any property shall be newly assessed, the owner thereof, if not already represented in court, shall be notified in like manner, and a hearing shall be had as above provided.

§ 34. IMPROVEMENTS REQUESTED BY MAJORITY OF FRONTAGE—SIDEWALKS.] Whenever the owners of a majority of the property in any one or more contiguous blocks abutting on any street, alley, park or public place, shall petition for any local improvement thereon, the board of local improvements, in any city, village or town, shall take the steps hereinbefore required for a hearing thereon, but at such hearing shall consider only the nature of the proposed improvement and the cost thereof, and shall determine, in the manner above provided, the nature of the improvement which they will recommend, and shall thereupon prepare and transmit to the legislative body a draft of an ordinance therefor, together with an estimate of the cost, as above described, and shall recommend the passage thereof, which recommendation shall be *prima facie* evidence that all the preliminary steps required by law have been taken; and thereupon it shall be the duty of such legislative body to pass an ordinance for the said improvement, and take the necessary steps to have the same carried into effect. Whenever any ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed thirty days after the time at which said ordinance shall take effect in which to build or renew such sidewalk opposite to his land, and thereby relieve the same from assessment: *Provided*, that the work so to be done shall, in all respects, conform to the requirements of such ordinance.

Notice of the passage of such ordinance shall be sent by mail within ten days after such passage to the person who paid the taxes on said premises for the preceding year, if he or they can be found in said county, and also to the occupant of said property, if the same be at such time actually occupied, and an affidavit of such service shall be filed with the official report of such assessment. Such affidavit shall be *prima facie* evidence of a compliance with said requirements.

§ 35. SPECIAL TAX.] When the ordinance under which a local improvement shall be ordered shall provide that such improvement shall be made wholly or in part by special taxation of contiguous property, such special tax shall be levied, assessed and collected, as nearly as may be, in the manner provided in the sections of this act providing for the mode of making, assessing and collecting special assessments: *Provided*, that no special tax shall be levied or assessed upon any property to pay for any local improvement in an amount in excess of the special benefit which such property shall receive from such improvement. Such ordinance shall not be deemed conclusive of such benefit, but the question of such benefit and of the amount of such special tax shall be subject to the review and determination of the court, and be tried in the same manner as in proceedings by special assessment.

§ 36. SPECIAL ASSESSMENT.] When the ordinance under which a local improvement is ordered to be made, containing no provisions for the condemnation of private property therefor, shall provide that such improvement shall be wholly or in part paid for by special assessment, the proceedings for the making of such assessment shall be in accordance with the following provisions of this act.

§ 37. JURISDICTION OF COURTS.] Upon the passage of any ordinance for a local improvement pursuant thereto, it shall be the duty of the officer specified therein to file a petition in some court of record in said county, in the name of such municipality, praying that steps may be taken to levy a special assessment for the said improvement, in accordance with the provisions of the said ordinance. The several circuit and county courts of this State and the superior court of Cook county shall have jurisdiction of any proceeding under this act. There shall be attached to or filed with such petition a copy of the said ordinance, certified by the clerk, under corporate seal; also a copy of the recommendation of the board of local improvements, and of the estimate of the cost, as approved by the legislative body. The failure to file any, or either, of said copies shall not affect the jurisdiction of the court to proceed in said cause, and to act upon said petition; but if it shall appear in any such cause that such copies have not been attached to or filed with said petition before the filing of the assessment roll therein, then, upon motion of any objector for that purpose, on or before appearance day in said cause, the entire petition and proceeding shall be dismissed.

§ 38. ORDER FOR ASSESSMENT.] Upon the filing of such petition the court shall enter an order directing the superintendent of special assessments, in cities where such officer is provided for by this act,

otherwise some competent person appointed by the president of the board of local improvements, to make a true and impartial assessment of the cost of the said improvement upon the petitioning municipality and the property benefited by such improvement.

§ 39. APPORTIONMENT OF COST.] It shall be the duty of such officer to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefited, and to apportion the same between the city, village or town and such property, so that each shall bear its relative equitable proportion; and having found such amounts to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land, in the proportion in which they will be severally benefited by such improvement: *Provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefited; also to investigate and report the district which will be benefited by such improvement, describing the same by boundaries.

§ 40. DESCRIPTION OF PROPERTY ASSESSED.] In levying any special assessment or special tax, each lot, block, tract or parcel of land shall be assessed separately, in the same manner as upon assessment for general taxation: *Provided*, that this requirement shall not apply to the property of railroad companies, or the right of way and franchise of street railway companies, but the same may be described in any manner sufficient to reasonably identify the property intended to be assessed.

§ 41. ASSESSMENT ROLL—NOTICES.] The assessment roll shall contain a list of all the lots, blocks, tracts and parcels of land assessed for the proposed improvement, the amount assessed against each, the name of the person who paid the taxes on each such parcel during the last preceding calendar year in which taxes were paid, as ascertained upon investigation by the officer making the return, or under his direction, the residence of the person so paying the taxes on each such parcel, if the same can on diligent inquiry be found; in case of assessment in installments, the amount of each installment shall also be stated; and the officer making such roll shall certify under oath that he verily believes that the amounts assessed against the public and each parcel of property are just and equitable, and do not exceed the benefit which will in each case be derived from said improvement, and that no lot, block, tract or parcel of land has been assessed more than its proportionate share of the cost of said improvement. Notice shall be given of the nature of the improvement, of the pendency of said proceeding, of the time and place of filing the petition therefor, of the time and place of filing the assessment roll therein, and of the time and place at which application will be made for confirmation of the assessment, the same to be not less than fifteen days after the mailing of such notices. Such notices shall be sent by mail postpaid to each of the said persons paying the taxes on the respective parcels during the last preceding year in which taxes were paid, at his residence as shown in the assessment roll, or, if not shown, then to such



person so paying the taxes, directed generally to the city, village or town in which said improvement is proposed to be made. Such notice shall state the amount assessed to the person to whom the same is directed for the improvement proposed, the total amount of the cost of said improvement, and the total amount assessed as benefits upon the public. An affidavit shall be filed before the final hearing showing a compliance with the requirements of this section, and also showing that the affiant (either the officer making the said return, or some one acting under his direction,) made a careful examination of the collector's books showing the payments of general taxes during the last preceding year in which the taxes were paid thereon, to ascertain the person or persons who last paid the taxes on said respective parcels, and a diligent search for their residences, and that the report correctly states the same, so as ascertained by the affiant; and said report and affidavit shall be conclusive evidence, for the purposes of said proceeding, of the correctness of the assessment roll in said particulars; but in case the said affidavit shall be found in any respect wilfully false, the person making the same shall be deemed guilty of perjury, and subject to the pains and penalties provided for such offense by the laws of this State.

§ 42. DIVISION OF ASSESSMENT INTO INSTALLMENTS.] It shall be lawful to provide by the ordinance for any local improvement; the cost of which is to be defrayed by special assessment or special taxation, or by ordinance passed at any time before the confirmation of the assessment roll, that the aggregate amount assessed against property, and also each individual assessment, be divided into installments, not more than five (5) in number: *Provided*, that any such special assessment or special tax levied for building sewers or laying water mains, or locating, erecting and constructing reservoirs and hydrants for the purpose of fire protection, may in like manner be divided into not exceeding ten (10) installments. In all cases such division shall be so made that all installments shall be equal in amount, except that all fractional amounts shall be added to the first installment, so as to leave the remaining installments of the aggregate equal in amount, and each a multiple of one hundred dollars. The first installment shall be due and payable on the second day of January next after confirmation of the assessment, and the second installment one year thereafter, and so on annually until all are paid.

All installments except the first shall bear interest from and after the date of confirmation until paid, at a rate not exceeding six (6) per centum per annum, to be fixed by the ordinance. The interest on each installment, except the first, shall be payable as follows: On the second day of January next succeeding the date of confirmation the interest accrued up to that time on all unpaid installments shall be due and payable and be collected with the installment, and thereafter the interest on all unpaid installments, then payable, shall be payable annually, and be due and payable at the same time as the installments maturing in such year, and be collected therewith.

In all cases it shall be the duty of the municipal collectors, as the case may be, whenever payment is made of any installment, to collect interest thereon up to the date of such payment, whether such payment be made at or after maturity.

Any person may pay the whole assessment against any lot, piece or parcel of land, or any installment thereof, with interest, up to the date of payment, at any time before the bonds hereinafter mentioned are issued, but after said bonds are issued, payment shall not be received of any installment before its maturity, unless interest thereon up to the second day of the succeeding January is also paid at the same time.

§ 43. RETIREMENT OF BONDS ANNUALLY.] On or before January tenth of each year the treasurer of the municipality issuing such bonds, or some other officer designated by ordinance for that purpose, shall ascertain the amount of such assessment collected and applicable to the payment of bonds of each series unmatured, and shall select by lot bonds of series to such amount, to be paid therewith, and shall give notice in some newspaper published in such municipality (or if none be so published, then in the nearest newspaper,) of the number of bonds to be so paid, the series thereof, the assessment to which they relate, and the particular bonds so selected to be paid, and that the same will be paid, at a place to be specified, on the tenth day of February next following. And thereupon, from and after said tenth day of February, said bonds shall be payable at the place so appointed, on demand, and no further interest shall accrue thereon.

§ 44. NOTICE BY POSTING AND PUBLICATION.] Petitioner shall, in addition to the other notices herein provided for, cause at least fifteen days' notice to be given prior to the time at which the confirmation of said assessment will be sought, by posting notices in at least four public places in such city or village, all of which shall be in the neighborhood of such proposed improvement; and by publishing the same at least five successive days in some daily newspaper of said city, village or town, to be directed by order of the court; or if no daily newspaper is published in such city, village or town, and a weekly paper is published therein, then at least once in each week for two successive weeks in some weekly newspaper so directed; such order to be entered of record in the cause; or if no daily or weekly newspaper is published in such city, village or town, then at least once in each week for two successive weeks in some other newspaper published in the county in which such city, village or town is situated, to be fixed by the court in like manner. Where other corporate authorities having power to make use of the provisions of this act shall do so, the notice may be published in any daily or weekly newspaper directed by the court in such proceeding, by order duly entered of record therein. The notice shall be over the name of the officer levying such assessment, and be substantially as follows:

"SPECIAL ASSESSMENT NOTICE."

"Notice is hereby given to all persons interested, that the city council (or board of trustees, or other corporate authorities, as the case may be,) of ....., having ordered that (here insert a brief description of the nature of the improvement), the ordinance for the same being on file in the office of the ..... clerk, having applied to the ..... court of ..... county for an assessment of the costs of said improvement, according to benefits, and an assessment thereof having been made and returned to said court, the final hearing thereon will be had on the ..... day of ....., A. D. 18...., or as soon thereafter as the business of the court will permit. All persons desiring may file objections in said court before said day, and may appear on the hearing and make their defense."

(Here give date.)

Where the assessment is payable in installments, the number of installments and the rate of interest shall also be stated, and all notices required by this act to be posted shall be printed in clear, large black type, and on white paper.

§ 45. CONTINUANCE FOR NOTICE.] If fifteen days shall not have elapsed between the first publication or the putting up of such notice, and the day fixed in said notice for filing objections, said cause shall be continued until the next term of the court, at or prior to which time objections may be filed, with the same effect as if within said fifteen days.

§ 46. OBJECTIONS.] Any person interested in any real estate to be affected by such assessment may appear and file objections to such report by the time mentioned in said notice, or in case of incomplete notice, then as specified in the last preceding section, or within such further time as the court may allow, and the court may make such order in regard to the time of filing such objections as may be made in cases at law in regard to filing pleas; but no prior rule need be taken therefor unless directed by the court. As to all lots, blocks, tracts and parcels of land, to the assessment of which objections are not filed within the time aforesaid, or such other time as may be ordered by the court, defaults may be entered and the assessment confirmed by the court, notwithstanding objections may be pending and undisposed of as to other property.

§ 47. REVIEW OF ASSESSMENT ROLL BY THE COURT.] Upon objection or motion for that purpose, the court in which said proceeding is pending may, in a summary way, inquire whether the officer making the report has omitted any property benefited; also whether or not the assessment, as made and returned, is an equitable and just distribution of the cost of said improvement, first, between the public and the property; and second, among the parcels of property assessed. The court shall have the power, on such application being

made, to revise and correct the assessment levied, to change or modify the distribution of the total cost between the public and property benefited, and also to change the manner of distribution among the parcels of private property, so as to produce a just and equitable assessment, considering the nature of the property assessed, and its capacity for immediate use of the improvement when completed. The court may either make such corrections or changes, or determine in general the manner in which the same shall be made, and refer the assessment roll to the person filing the same for revision and correction. The determination of the court as to the correctness of the distribution of the cost of the improvement between the public and the property to be assessed shall be conclusive, and not subject to review on appeal or writ of error.

§ 48. HEARING OF LEGAL OBJECTIONS.] On the application of the petitioner, at any time after the return day, the court may set down all objections, except the objection that the property of the objector will not be benefited to the amount assessed against it, and that said property is assessed more than its proportionate share of the cost of such improvement, for a hearing at a time to be fixed by the court, and upon such hearing the court shall determine all questions relating to the sufficiency of the proceedings, the distribution of the cost of the improvement between the public and the property, and of the benefits between the different parcels of property assessed, together with all other questions arising in such proceeding, with the exception aforesaid, and shall thereupon enter an order in accordance with the conclusions it shall reach; but such order shall not be deemed a final disposition of any such questions for the purpose of appeal, unless objectors shall waive further controversy as to the remaining question upon the record.

§ 49. TRIAL BY JURY.] If it be objected on the part of any property assessed for such improvement, that it will not be benefited thereby to the amount assessed thereon, and that it is assessed more than its proportionate share of the cost of such improvement, and a jury be not waived by agreement of parties, the court shall impanel a jury to try the said issue, and in such case, unless otherwise ordered by the court, all such objections shall be tried and disposed of before a single jury. The assessment roll, as returned by the officer making the same, or as revised and corrected by the court on the hearing of the legal objections, shall be *prima facie* evidence of the correctness of the amount assessed against each objecting owner, but shall not be counted as the testimony of any witness or witnesses in the cause. Either party may introduce such other evidence as may bear upon the said issue or issues. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of any objector are assessed more than they will be benefited by the said improvement or more than its proportionate share of the cost of such improvement, the jury shall so find, and shall also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

§ 50. DISTRIBUTION OF DEFICIENCY.] Wherever, on a hearing by the court, or before a jury, the amount of any assessment shall be rendered [reduced] or canceled, so that there shall be a deficiency in the total amount remaining assessed in the proceeding, the court shall have the power, in the same proceeding, to distribute such deficiency upon the other property in the district assessed in such manner as the court shall find to be just and equitable, not exceeding, however, the amount it will be benefited by said improvement. In case any portion of such deficiency be charged against such property not represented in court, a new notice, of the same nature as the original notice, shall be given in like manner as the original notice, to show the cause why the said assessment, as thus increased, should not be confirmed, and the owners of or parties interested in such property shall have the right to object in the same form and with the same effect as in case of the original assessment, and the court shall have the same power to dispose thereof.

§ 51. PRECEDENCE FOR TRIAL.] The hearing in all the cases arising under this act, if in the county court, may be had at either a law or a probate term of said court; and such proceedings shall have precedence over all other cases in any court where the same shall be brought, except criminal cases or other cases in which the public is a moving party.

§ 52. MODIFICATION BY COURT.] The court before which any such proceedings may be pending shall have authority to modify, alter, change, annul or confirm any assessment returned as aforesaid, in addition to the authority already conferred upon it, and may take all such proceedings, and make all such orders, as may be necessary to make a true and just assessment of the cost of such improvement, according to the principles of this act, and may from time to time, as may be necessary, continue the application for that purpose, as to the whole or any part of the premises.

§ 53. LAND TO BE FIRST ACQUIRED.] No special assessment or special tax shall be levied for any local improvement until the land necessary therefor shall be acquired and in possession of the municipality, except in cases where proceedings to acquire such land shall have been begun and proceeded to judgment.

§ 54. PRIOR IMPROVEMENT OF SAME KIND NO OBJECTION.] It shall be no objection to the legality of any local improvement that a similar one shall have been previously made in the same locality, if the ordinance therefor be recommended by the board of local improvements, as above provided; but nothing herein contained shall be construed to interfere with any defense in said proceeding relating to the benefits received therefrom.

§ 55. JUDGMENT ON INSTALLMENT ASSESSMENTS.] In case of a special assessment or a special tax levied to be paid by installments, under the provisions of this act, the order of confirmation that shall be entered upon the return of the assessment roll shall apply to all of the installments thereof, and may be entered in one order.

§ 56. EFFECT OF JUDGMENT.] The judgments of the court shall be final as to all the issues involved, and the proceedings in said cause shall be subject to review by appeal or writ of error as hereinafter provided, and not otherwise: *Provided, however,* that by mutual consent the same may be vacated or modified at a subsequent term, except as hereinafter provided.

Such judgments shall have the effect of several judgments as to each tract or parcel of land assessed, and no appeal from any such judgment or writ of error shall invalidate or delay the judgments, except as to the property concerning which the appeal or writ of error is taken. Such judgments shall be a lien upon the property assessed from the date thereof, to the same extent and of equal force and validity as a lien for the general taxes, for a period of five years, if such assessment is payable in a single sum; if payable by installments, then until five years after the last installment comes due. Nothing in this section contained shall interfere with the right of a petitioner to dismiss its proceedings, and for that purpose to vacate such judgment at its election at any time before commencing the actual collection of such assessment: *Provided,* that after the contract for the work shall have been entered into, or the bonds mentioned in this act issued, no judgment shall be vacated or modified or any petition dismissed at a term subsequent to that at which the judgment was rendered, nor the collection of the assessment be in any way stayed or delayed by the council or board of trustees or board of local improvements, or any officer of the municipality, without the consent of the contractor and bondholder.

§ 57. VACATION OF ASSESSMENT—NEW ASSESSMENT.] If any assessment shall be annulled by the city council or board of trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceeding had as herein required in relation to the first; and all parties in interest shall have like rights, and the city council or board of trustees and the court shall perform like duties and have like power in relation to any subsequent assessment as are hereby given in relation to the first assessment.

§ 58. NEW ASSESSMENT FOR COMPLETED WORK.] No special assessment shall be held void because levied for work already done under a prior ordinance, if it shall appear that such work was done in good faith, by the contract duly let and executed, pursuant to an ordinance providing that such improvement should be paid for by special assessment or special tax. This provision shall only apply when the prior ordinance shall be held insufficient for the purpose of such assessment, or otherwise defective, so that the collection of the assessment therein provided for becomes impossible. A new or special ordinance shall in such case be passed, providing for such assessment, and such ordinance need not be presented by the board of local improvements.

§ 59. SUPPLEMENTAL ASSESSMENTS.] If in any case the first assessment prove insufficient, a second may be made in the same

manner, as nearly as may be, and so on until sufficient moneys shall have been realized to pay for such public improvement. It shall be no objection to such assessment that the prior assessment has been levied, adjudicated and collected, unless it shall appear that in such prior cause, upon proper issue made, it was specially found, in terms, that the property objected for would be benefited by said improvement no more than the amount assessed against it in such prior proceedings. If too large a sum shall at any time be raised, the excess shall be refunded ratably to those against whom the assessment was made.

§ 60. NEW ASSESSMENT AGAINST DELINQUENTS.] If from any cause any city, village or town shall fail to collect the whole or any portion of any special assessment or special tax which may be levied, which shall not be canceled or set aside by the order of any court, for any public improvement authorized to be made and paid for by a special assessment or a special tax, the city council or board of trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency and interest thereon from the date of such original assessment, which assessment shall be made, as nearly as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payments shall have been made on such former assessments, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove insufficient, either in whole or in part, the city council or board of trustees may, at any time within said period of five years, order a third to be levied, and so on in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered, subsequent to the date of the original assessment.

§ 61. COLLECTION—CERTIFYING ROLL.] The clerk of the court in which such judgment is rendered shall thereupon certify the assessment roll and judgment, or so much thereof as shall have already merged in judgment, to the officer of such city, village or town authorized to collect such special assessment; or if there has been an appeal or writ of error taken on any part of such judgment, then he shall certify such part of the judgment as is not included in such appeal or writ of error, and such certificate shall be filed by the officer receiving the same in his office. With such assessment roll and judgment the clerk of such court shall also issue a warrant for the collection of such assessment. The court shall have power to recall such warrant as to all or any of the property affected at any time before payment or sale, in case the proceeding be abandoned by the petitioner or the judgment be vacated or modified in a material respect, as hereinbefore provided, but not otherwise.

*Provided*, that in case of assessments or taxes payable in single installment, on which any judgement or confirmation shall be entered after February nineteenth and prior to April fifteenth in any

year, the warrant therefor may be directed by the court, or [on] request of the petitioner, to be issued directly to the general officer authorized by law to obtain judgment thereon, who shall proceed to collect the same and obtain judgments for the amounts not paid, in the same manner in all respects as if the same had been returned to him by the municipal collector. And in cases of assessments or taxes payable in installments a warrant may, in like manner, be certified to said general officer to collect the first installment thereof and interest due therewith, and a duplicate warrant to the municipal collector, to collect the balance thereof as the same shall mature.

§ 62. WARRANT TO COLLECTOR.] When the entire roll is not merged in judgment at one time, the clerk may certify the same in the manner above mentioned, from time to time, as judgment is rendered on portions thereof; and the warrant accompanying such certificate in each case shall be authority for the collection of so much of such assessment as shall be included in the portion of the roll thereto attached. The warrant in all cases of assessment under this act shall contain a copy of such certificate of the judgment, describing lots, blocks, tracts and parcels of land assessed, so far as they shall be contained in the portion of the roll so certified, and the respective amounts assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessment. The collector having a warrant for any assessment levied to be paid by installments may receive any or all of the installments of such assessment, but if in part only, then in their order: *Provided, however*, that the person paying installments not due and payable, after the letting of any contract for such improvement, shall also pay interest thereon to the second day of January next following.

§ 63. COLLECTOR'S NOTICE.] The collector receiving such warrant shall immediately give notice thereof by publishing a notice in one or more newspapers in such city, town or village, if such newspaper is there, and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvement; such notice may be substantially in the following form:

“SPECIAL ASSESSMENT NOTICE.”

“Special Warrant, No. ....”

“Notice: Public notice is hereby given that the (here insert title of court) has rendered judgment for a special assessment (or special tax) upon property benefited by the following improvement: (here describe the character and location of the improvement in general terms), as will more fully appear from the certified copy of the judgment on file in my office; that the warrant for the collection of such assessment (or special tax) is in the hands of the undersigned. All



persons interested are hereby notified to call and pay the amount assessed at the collector's office (here insert location of office,) within thirty days from the date hereof.

"Dated this ..... day of ....., A. D. 18....

.....  
Collector."

When such assessment or special tax is levied to be paid in installments, such notice shall, in addition to the foregoing, contain the amount of each installment, the rate of interest deferred installments bear, the date when payable.

§ 64. COLLECTOR'S DEMAND—PENALTY—ENTRY OF PAYMENT.] It shall be the duty of the collector into whose hands the warrant shall come, as far as practicable, to call upon all persons, resident within the neighborhood, whose names appear upon the assessment roll, or the occupants of the property assessed, and personally, or by written or printed notices left at his or her usual place of abode, inform them of such special assessment, and request payment of the same.

Any such collector omitting to do so shall be liable to a penalty of ten dollars for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment thereon, shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and postoffice address of the person making the payment, and the date of payment.

§ 65. REPORT OF DELINQUENT LIST TO COUNTY COLLECTOR.] It shall be the duty of the collector, on or before the first day of April in each year, to make a report in writing to the general officer of the county authorized or to be designated by the general revenue laws of this State to apply for judgment and sell lands for taxes due the county and the State, of all the land, town lots, and real property on which he shall be unable to collect special assessments, or installments thereof matured and payable, or interest thereon, or interest due on installments not yet matured on all warrants in his hands, with the amount of such delinquent special assessments or installments and interest together with his warrants; or, in case of an assessment levied to be paid by installments, with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof, which report shall be accompanied with the oath of the collector that the list is a correct return and report of the land, town lots and real property on which the special assessments (or special tax levied by the authority of the city of ..... or town or village of ..... as the case may be,) or installments thereof, or interest, remain due and unpaid; that he is unable to collect the same, or any part thereof, and that he has given the notice required by law that such warrants have been received by him for collection.

§ 66. REPORT TO BE EVIDENCE.] Said report, when so made, shall be *prima facie* evidence that all the forms and requirements of the

law, in relation to the making of said return, have been complied with, and that the special assessments, or special taxes, or the matured installments thereof, and the interest thereon, and the interest accrued on installments not yet matured, mentioned in said report, are due and unpaid, and upon the application for judgment of sale upon such assessment or matured installments thereof, or the interest thereon, or the interest accrued on installments not yet matured, no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof, and no errors in the proceeding to confirm, not affecting the power of the court to entertain and consider the petition therefor, shall be deemed a defense to the application herein provided for. When such application is made for judgment of sale on an installment only of an assessment payable by installments, all questions affecting the jurisdiction of the court to enter the judgment of confirmation shall be raised and determined on the first of such applications. On application for judgment of sale on any subsequent installment, no defense, except as to the legality of the pending proceeding, the amount to be paid, or actual payment, shall be made or heard. And the voluntary payment by the owner, or his agent, of any installment, of any assessment, levied on any lot, block, tract or parcel of land, shall be deemed and held in law to be an assent to the confirmation of the assessment roll, and be held to release and waive any and all right of such owner to enter objections to the application for judgment of sale and order for sale. The judgment of sale on any installment shall include all interest accrued on said installment up to the date of said judgment of sale and also the annual interest due as returned delinquent by the municipal collector on any installment or installments not matured; and all judgments of sale for a matured installment shall bear interest on the amount of the principal of said matured installment to the date of payment or sale.

§ 67. APPLICATION FOR JUDGMENT—SALE—REVENUE LAWS TO GOVERN.] When such general officer shall receive the report above provided for he shall proceed to obtain judgment against said lots and parcels of land and property for said special assessment and special taxes, or installments thereof, and interest remaining due and unpaid, in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county or State; and shall in the same manner proceed to sell the same for the said special assessments, special taxes, or installments thereof and interest remaining due and unpaid. In obtaining such judgments and making said sale, the said officer shall be governed by the general revenue law of the State, except when otherwise provided herein. No application for judgment against lands for unpaid special taxes or special assessments shall be made at a time different from the annual application for judgment against lands upon which general taxes remain due and unpaid. The application for judgment upon delinquent special assessments or special taxes in each year shall include only such special assessment, special taxes, or install-

ments thereof, and interest, as shall have been returned as delinquent to the county collector on or before the first day of April in the year in which said application is made, or have been duly certified directly to said general officer by order of the court, as above herein provided: *Provided*, that such judgment of sale shall include interest on matured installments up to the date of such judgment as herein provided.

§ 68. RETURN OF SALES—REDEMPTION.] After making said sale, the list of lots, parcels of land and property sold thereat shall be returned to the office of the county clerk, and redemption may be made as provided for by the general revenue law of this State.

§ 69. SALE WHERE ASSESSMENT PAID—PENALTY.] If the collector shall receive any moneys for taxes or assessments, or installments thereof, and give a receipt therefor, for any land or parcel of land, and afterwards make a return that the said tax, assessment or installment thereof was unpaid, to the State officers authorized to sell land for taxes, or shall receive the said amount so payable after such return has been made, and the said property be sold for any tax, assessment or installment thereof which has been so paid and receipted for by himself or his clerks, he and his bondsmen shall be liable to the holder of the certificate given to the purchaser at the said sale for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovered in any court having jurisdiction of the amount; and the city, village or town shall in no case be liable to the holder of such certificate.

§ 70. PAYING OVER—COMPENSATION.] The collector or collectors, and the general officer aforesaid to whom the said warrants shall be returned, shall pay over to the city, village or town treasury to which it shall belong all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes, or otherwise, at such time or times and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinance of the city or village may provide, except when such compensation is fixed by a general law.

§ 71. GENERAL REVENUE LAWS APPLY.] The general revenue laws of this State, in reference to proceedings to recover judgment for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessments and special taxes.

§ 72. MUNICIPALITY MAY BUY IN.] Any city, village or town interested in the collection of any tax or special assessment may, in default of other bidders, become a purchaser at any sale of property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more municipal officers to attend such sales and bid thereat in behalf of the corporation.

§ 73. CONTRACTS PAYABLE FROM ASSESSMENTS—CLAIM LIMITED TO FUND COLLECTED.] No person or persons, or bodies corporate, taking any contracts from the city, village or town, and agreeing to be paid out of special assessments or special taxes, shall have any claim or lien upon the city, village or town in any event, except from the collection of special assessments or special taxes made or to be made for the work contracted for, but the municipality shall cause collections and payments to be made with all reasonable diligence. And in such case, if it shall appear that such assessment or tax can not be levied or collected, the municipality shall not, nevertheless, be in any way liable to such contractor or contractors in case of failure to collect the same, but shall, so far as it can legally do so, with all reasonable diligence, cause a valid special assessment, or assessments, special tax or taxes, to be levied and collected to defray the cost of said work until all contractors shall be fully paid, and any contractor shall be entitled to summary relief of mandamus or injunction to enforce the provisions hereof.

§ 74. LETTING CONTRACTS—APPROVAL.] All contracts for the making of any public improvement to be paid for wholly or in part by a special assessment or special tax, and any work or other public improvement, when the expense thereof shall exceed five hundred dollars, shall be let to the lowest responsible bidder in the manner herein prescribed, such contracts to be approved by the president of the board of local improvement.

§ 75. Within sixty days after the confirmation of any special assessment or special tax levied in pursuance of this act, if there be no appeal perfected, or other stay of proceedings by a court having jurisdiction, or, in case the judgment for the condemnation of any property for any such improvement, or the judgment of confirmation as to any property be appealed from, then, if the petitioner shall file in such cause a written election to proceed with the work, notwithstanding said appeal, or other stay, steps shall be taken to let the contract for such work in the manner herein provided. If the judgment of condemnation or of confirmation of the special tax or special assessment levied for such work be appealed from, or stayed by a *supersedeas* or other order of a court having jurisdiction, and the petitioner file no such election, then the steps herein provided for the letting of the contract for such work shall be taken within fifteen days after the final determination of said appeal or writ of error, or the determination of such stay, unless the proceeding be abandoned as herein provided.

§ 76. NOTICE FOR LETTING CONTRACTS—BIDS.] Notice shall be given by advertisement in some newspaper adopted for that purpose by the board of local improvements by an order entered in their records, and by posting notices in two conspicuous places, one of which shall be in the vicinity of the proposed improvement, that bids will be received for the construction of such improvement, either as a whole or in such sections as the board shall specify in its notice, in accordance with the ordinance therefor; which notice shall state the time of opening such bids, (not more than fifteen nor less than ten

days thereafter), and shall further state where the specifications for such improvement are to be found, and whether the contractor is to be paid in cash or in bonds, and if in bonds, then the rate of interest such vouchers or bonds shall draw. If no newspaper be published in said municipality, then four such notices shall be posted, all of which shall be in the vicinity of the proposed improvement. Proposals or bids may be made either for such work as a whole, or for such specified sections thereof. All proposals or bids offered shall be accompanied by a check, payable to the order of the president of the board of local improvements, in his official capacity, certified by a responsible bank, for an amount which shall not be less than ten per centum of the aggregate of the proposal. Said proposals or bids shall be delivered to the president of the board of local improvements, and said board shall, in open session, at the time and place fixed in said notice, examine and publicly declare the same: *Provided, however*, that no proposals or bids shall be considered unless accompanied by such check.

§ 77. ACCEPTING BID—CONTRACT.] Said board of local improvements may reject any and all proposals or bids, should they deem it best for the public good; and if they shall be of the opinion that a combination exists between contractors, either to limit the number of bidders or to increase the contract price, and that the lowest bid is made in pursuance thereof, it shall be their duty to do so; and said board may reject the bid of any party who has been delinquent or unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid, which award shall be recorded in the record of its proceedings. Such award, if any, shall be made within twenty days after the time fixed for receiving bids. If no award be made within said time, another advertisement for proposals or bids for the performance of the work, as in the first instance, shall be made, and thereafter proceed in the manner above in this act provided; and such readvertisement shall be deemed a rejection of all former bids, and thereupon the respective checks and bonds corresponding to the bids so rejected shall be returned to the proper parties, but the checks accompanying such accepted proposals or bids shall be retained in the possession of the president of the said board until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest responsible bidder or by the owners of a majority of the frontage, whereupon said certified check shall be returned to said bidder. But if the said bidder fails, neglects or refuses to enter into a contract to perform said work or improvement, as herein provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be declared to be forfeited to said city, village or town, and shall be collected by it and paid into its fund for the repairing and maintenance of like improvements; and any bonds forfeited may be prosecuted, and the amount due thereon collected and paid into the said fund.

§ 78. Any owner or person interested in any of the property assessed and any bidder shall be entitled to a hearing before said board on any question connected with such such award.

§ 79. NOTICE OF AWARDED CONTRACT.] Notice of such award of contract shall be posted for five days in the same manner as hereinbefore provided for the posting of proposals for such work, and shall be published for two days in a daily newspaper published and circulated in said city, village or town, designated by the said board of local improvements, by general order for that purpose, duly entered in its records. Or where there is no daily newspaper in said city or village, by one insertion of the same in a semi-weekly or weekly newspaper so published and circulated, and so designated: *Provided, however,* that in case there is no newspaper printed or published in such city, village or town, then notice of award shall only be posted, as hereinbefore provided.

§ 80. OWNERS OF A MAJORITY OF FRONTAGE MAY TAKE CONTRACT.] The owners of a majority of the frontage of the lots and lands upon the street wherein said work is to be done, or their agents, who shall take oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may, within ten days after the first posting and publication of said notice of said award, elect to take said work, and enter into a written contract to do the whole work at ten per centum less than the price at which the same has been awarded. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within ten days, or to commence the work within thirty days after the first posting and publication of said award, and to prosecute the same with diligence, it shall be the duty of the board of local improvements to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid.

§ 81. REJECTING BIDS IN CASE OF DEFAULT.] If such original bidder neglects, fails or refuses for fifteen days after the first posting and publication of the notice of award, or in case a contract be made with the owners, and default by them, then, within ten days after notice that such owners are in default, to enter into a contract, then said board of local improvements, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and award the contract for said work to the then regular lowest bidder. The bids of all persons, and the election of all owners as aforesaid, who have failed to enter into the contract as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work.

§ 82. COMPLETING UNFINISHED WORK—CONTRACTORS' BONDS—PAYMENT OF EXPENSES.] If the owners or contractors, who may have taken any contract, shall not complete the same within the time mentioned in the contract, or within such further time as the board of local improvements may give them, the said board may relet the unfinished portions of the said work, after pursuing the formalities pre-

scribed hereinbefore for the letting of the whole in the first instance. All contractors, contracting owners included, shall, at the time of executing any contract for such public work, execute a bond to the satisfaction and approval of the board of local improvements of said city, village or town, in such sum as the said board shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify, before some person competent to administer an oath, in double the amount mentioned in said bond over and above all statutory exemptions.

§ 83. EXECUTION AND SUPERINTENDENCE OF WORK—NO RECOURSE TO MUNICIPALITY.] The board of local improvements is hereby authorized to make, or cause to be made, the written contracts, and receive all bonds authorized by this act, and to do any other act, expressed or implied, that pertains to the execution of the work provided for by such ordinance or ordinances, and shall fix the time for the commencement of the work thereunder and for the completion of the work under all contracts entered into by them, which work shall be prosecuted with diligence thereafter to completion, and said board may extend the time so fixed from time to time as they may think best for the public good. The work to be done pursuant to such contracts must, in all cases, be done under the direction and to the satisfaction of the board of local improvements, and all contracts made therefor must contain a provision to that effect, and also express notice that in no case except as otherwise provided in the ordinance, or in the judgment of the court, will the said board, or the municipality, or any officer thereof, be liable for any portion of the expenses nor for any delinquency of persons or property assessed.

§ 84. CREDITING EXCESS UPON ASSESSMENTS.] Within twenty days after the execution of the contract for the proposed improvement, as herein provided, the board of local improvements shall cause the amount thereof to be certified in writing to the court in which said assessment was confirmed, together with the amount estimated by the board to be required to pay the accruing interest on bonds or vouchers issued to anticipate collection, stating separately the amount required for each installment, and thereupon, if the total amount assessed for said improvement upon the public and private property exceeds the amount of said contract, all of said excess, excepting the amount required for such interest and expenses herein provided for, and an amount equal to ten per centum of said contract price, shall be rebated, proportionately, to the public and the property owners, and shall be credited *pro rata* upon the respective assessments for said improvements, under the direction of the court; and if said assessment roll, or any part thereof, shall have been certified to the collector, in the manner hereinabove provided, the court shall cause the amount of such credit to be certified to said collector, who shall deduct the same from the assessments included in his warrant or warrants, dividing the same *pro rata* among the unpaid installments thereof; and if in any case the whole of any assessment shall have been paid

such excess shall be returned, on proper proof, the intent and meaning hereof being that no property owners shall be required to pay to the collector a greater amount than his proportionate part of the contract price for said work, and of the expenses thereof, and of the interest paid thereon, plus ten per centum for contingencies.

§ 85. INSPECTION OF WORK.] The said board of local improvements shall cause the entire work done pursuant to any such proceeding and contract, and the materials therefor, to be carefully inspected during the progress of the work, to the end that the contractor or contractors shall comply fully and adequately with all the provisions of the said ordinance, and of the contract under which said work is to be done, and the specifications therefor; and upon the complaint of any property owner that the work or materials do not comply with such requirements, the president of the said board of local improvements shall either examine the said work and materials himself, or designate some member of said board to do so, who shall make personal examination, and certify in writing as to the result thereof, which written certificate shall be filed with the papers pertaining to the said board, and be open to public inspection at any time.

§ 86. BONDS TO ANTICIPATE INSTALLMENTS OF ASSESSMENT.] For the purpose of anticipating the collection of the second and succeeding installments, provided for in this act, it shall be lawful for such city, village or town, to issue bonds, payable out of said installments, bearing interest not to exceed six per centum per annum, payable annually and signed by such officers as may be by ordinance prescribed; said bonds shall be issued in sums of one hundred dollars, or some multiple thereof, but shall not be dated or issued until at least sixty days after the installments out of which they are payable begin to draw interest. Each bond shall state on its face out of which installment it is payable, and shall state, by number or other designation, the assessment to which such installment belongs. The principal of such bonds shall not exceed, in the aggregate, the amount of such deferred installments, and shall be divided into as many series as there are deferred installments. Each series shall become due at some time in the year in which the corresponding installment will mature, such date to conform, as nearly as may be, to the time when such installment will be actually collected; such time to be estimated and determined by the municipal officers issuing such bonds: *Provided*, that it shall be lawful to provide, in the case of any one or more of the bonds in any series, that such bond or bonds shall not become due until some subsequent date, not later than the thirty-first day of December next succeeding the January in which the installment against which such series is issued shall become due and payable. Such bonds may be in the following form:



STATE OF ILLINOIS,

COUNTY OF.....

} ss.

\$.....

Series No.....

Bond No.....

of .....

## IMPROVEMENT BOND.

"The.....of  
.....in.....  
county, Illinois, for value received, promises to pay the bearer on  
the.....day of....., A. D..... the  
sum of.....dollars, with interest thereon from date  
hereof, at the rate of six per centum, payable annually on presenta-  
tion of the coupons hereto annexed.

"Both principal and interest of this bond are payable at the office  
of the treasurer of said.....of.....

"This bond is issued to anticipate the collection of a part of the  
..... installment of special assessment No.....  
levied for the purpose of ..... which said installment  
bears interest from the ..... day of ..... A. D.  
..... and this bond and the interest thereon are payable solely  
out of said installments when collected.

"Dated this ..... day of ..... A. D. ...."

Which said bond may have coupons attached to represent the in-  
terest to accrue thereon.

§ 87. BONDS TO BE ISSUED AT PAR AND ACCRUED INTEREST.] Said  
bonds may be sold or paid to the contractor having the contract for  
the improvement for which the assessment was levied at not less than  
their par value and interest accrued to time of delivery, whether sold  
or paid to the contractor.

§ 88. PAYMENT BY BOND OR VOUCHER.] Payment for any improve-  
ment done or performed under the provisions of this act, to be paid  
for out of any special assessment or special tax levied in installments,  
as herein provided, may be made in the bonds herein provided for;  
and the first installment of such assessment may be applied in the  
following manner: From the amount of the first payment, when it  
shall be collected, shall first be paid all the costs of making said as-  
sessment, including court costs. The remainder of said payment  
may then be paid to the person or persons entitled thereto on the  
contract for said work; if not collected when payments fall due,  
vouchers therefor may be issued, payable out of said first installment  
when collected. Such voucher shall bear no interest and shall be  
paid from said installment when collected.

§ 89. PAYMENT OF ASSESSMENT IN BONDS.] Any property owner  
may pay his assessment, wholly or in part, with the bonds or vouch-  
ers issued under this act on account of such assessment, applying,

however, the bonds and vouchers of each series only to the payment of the installments to which they relate. In making such payments such vouchers and bonds shall be taken at their par value and interest accrued to the date of making such payment. All vouchers and bonds received in payment of such assessment shall be canceled by the officer receiving the same, as of the date of their receipt, and deposited with the treasurer of the said town or village issuing the same.

§ 90. NO CLAIMS EXCEPT AGAINST THE ASSESSMENT.] No person or persons accepting the vouchers or bonds as provided herein shall have any claim or lien upon the city, town or village in any event for the payment of such vouchers or bonds, or the interest thereon, except from the collections of the installment for which said vouchers or bonds are issued, but the municipality shall not, nevertheless, be in any way liable to the holders of said vouchers or bonds in case of failure to collect the same, but shall with all reasonable diligence, so far as it can legally do so, cause a valid special assessment or assessments, special tax or taxes, as the case may be, to be levied and collected, to pay said bonds and vouchers until all bonds and vouchers shall be fully paid. Any holder of vouchers or bonds, or their assigns, shall be entitled to summary relief by way of mandamus or injunction to enforce the provisions hereof.

§ 91. PAYMENTS AS WORK PROGRESSES.] From time to time, as the work under any contract for such improvement progresses, upon certificates by the said board of local improvements, or by some officer designated by such board for that purpose, payments may be made either in money, vouchers or bonds, as herein provided, to apply upon said contract price, reserving, however, a sufficient amount upon each of said payments to properly secure, in the judgment of said board, the faithful performance of the said contract, said reserve to be paid over at such time and on such conditions as the board shall fix, after the said work has been completed or accepted.

§ 92. INTEREST ON BONDS TO BE PAID OUT OF ASSESSMENT.] The board of local improvements, before the issuance of the vouchers or bonds, by resolution entered on its records, shall determine an estimated amount deemed as sufficient to make up any probable deficiency of interest, by which, from any cause, collections of interest may prove insufficient to meet the interest to be paid on said bonds until they mature as hereinbefore provided. Said estimated amount shall be deducted out of said installments as an item of expense before crediting rebates of excess on the assessment, or tax, as herein directed, and shall be used for no other purpose than to make up such deficiency until the bonds and vouchers are fully paid, both principal and interest.

§ 93. CREDITING REBATES.] If, upon final settlement with the contractor for any improvement, and full payment therefor, in money, vouchers or bonds, there shall be any surplus remaining of such special assessment, or special tax above the payments aforesaid, and above the amount reserved for the payment of interest, as above

provided, it shall be the duty of the proper authorities of such city, incorporated town or village, to at once cause the respective installments remaining uncollected to be credited with their *pro rata* proportion of said surplus, and in case any person or persons have, before said credit has been entered, paid such assessment, or any part thereof, without having received the benefit of said credit, the proper authorities shall at once cause notice of such over-payment to be sent by mail to the person by whom such over-payment was made, and upon proper proofs the same shall be repaid.

§ 94. EXPENSES TO BE PAID FROM GENERAL FUND.] The cost and expenses of maintaining the board of local improvements herein authorized, of paying the salaries of the members of said board and the expense of making and levying special assessments or special taxes and of letting and executing contracts; and also the entire cost and expense attending the making and return of the assessment rolls, and the necessary estimates, examinations, advertisements, etc., connected with the proceedings herein provided for, excepting the court costs, including the fees to commissioners in condemnation proceedings, which are to be taxed as above provided, shall be paid by the city, village or town out of its general fund, except that the city, town or village may, in and by the ordinance providing for the assessment prescribed, that a certain sum not exceeding six per centum of the amount of such assessment shall be applied toward the payment of the aforesaid and other costs of making and collecting such assessments.

§ 95. APPEALS.] Appeals from final judgments or orders of any court made in the proceedings provided for by this act may be taken to the Supreme Court of this State, in the manner provided by law, by any of the owners or parties interested in lands taken, damaged or assessed therein, and the court may allow such an appeal to be taken jointly and upon a joint bond, or severally, and upon several bonds, as may be specified in the order allowing the same.

§ 96. WRITS OF ERROR.] Writs of error from the Supreme Court of this State may issue upon any such judgment, on the application of owners or parties interested in the property affected thereby, as shown by the record, at any time after the disposition of the last remaining objections to confirmation, if any, and prior to the first day of June following the entry of such judgment: *Provided*, that if the warrant for collection as to any parcel be not returned delinquent in any year before April first, or certified directly to the general officer authorized by law to obtain judgment thereon by April fifteenth of such year, a writ of error as to such parcel may be sued out at any time before June first in the year in which the same is so returned or certified: *And, provided further*, that in every case there shall be filed with the clerk of the Supreme Court, with the application of such writ, an affidavit by the plaintiff in error, or his agent, setting forth the time when such warrant, as to such property, was returned delinquent, or so certified; and further setting forth that the person to whom such notice of the filing of assessment roll as to such property, as shown by the record, did not not receive the same, or

otherwise learn of the pendency of the proceedings for the confirmation of said assessment until less than ten days before the entry of default against his said property in the court below.

§ 97. ADOPTION OF THIS ACT BY OTHER MUNICIPALITIES.] Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this act, and where it shall have so adopted this act, it shall have the right to take all the proceedings herein provided for, and have the benefit of all the provisions hereof.

§ 98. USE OF PROVISIONS OF THIS ACT BY OTHER CORPORATE AUTHORITIES.] Wherever authority of law now exists in corporate authorities in this State to levy special assessments or special taxes for local improvements, and for that purpose to use the proceedings or methods provided by article 9 of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, such corporate authorities are hereby authorized to make use of the provisions of this act for such purpose, with the same effect and to the same extent as heretofore authorized to use the provisions of said article 9, and any such corporate authorities as may be hereafter authorized by law to levy such special assessments or special taxes, may, whether otherwise expressly authorized thereto or not, make use of the provisions of this act in like manner. If, in any such case, a board of local improvements, as required in this act, does not exist, such corporate authorities shall take such steps for a public hearing on the subject of the proposed improvement or improvements, to be paid for by special assessment or special taxation, as are herein required of the board of local improvements, and shall act as such board in the manner herein provided, as nearly as may be, both in originating such improvements and in executing such work and making payment therefor.

§ 99. REPEAL OF CONFLICTING ACTS—PENDING CASES.] All acts and parts of acts in conflict with this act are hereby repealed:

*Provided*, that the laws subsisting at the passage of this act shall continue to apply to all proceedings for the condemnation of lands, or the confirmation of special assessments or special taxes for local improvements which are pending in any court in this State when this act shall take effect, and to all proceedings for the collection of any deficiency under past levies already made under existing laws; and also to all proceedings for new assessments made in lieu of others annulled before this act shall take effect by order of some court.

Where ordinance for local improvements, to be made by special tax or special assessment, shall have been already passed when this act shall take effect, upon which no court proceedings shall have been then begun, the proceedings shall be as herein provided, with the same effect as if such ordinance had originated with the board of local improvements herein provided for: *Provided*, that nothing in this act shall be construed to repeal an act entitled "An act to provide additional means for the construction of sidewalks in cities, towns and villages," approved April 15, 1875, in force July 1, 1875.

APPROVED June 14, 1897.

## STREET RAILWAYS OVER BRIDGES.

§ 1. Provides for building of street railways over bridges.

AN ACT to give companies leasing, operating or controlling bridges connecting cities, towns or villages in this State with cities, towns or villages in adjoining states, power to lease, own, construct and operate street railways over such bridge, and in adjoining counties, and acquire stock in and guarantee bonds of such street railways.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any company owing, [owning] leasing, operating or controlling a bridge connecting any city, town or village in this State with any city, town or village of any adjoining state, may lease, own, construct and operate a street railway over such bridge and in such cities, towns or villages and counties in which same may be situated, and in adjoining counties, and may also acquire and hold stock and guarantee bonds of any company operating such street railway or railways.

APPROVED June 4, 1897.

## TAX LEVIES.

§ 1. Tax levy of one per cent. per annum for repairing and strengthening levees.

§ 2. Duty of the county clerk.

§ 3. Duty of the collector of taxes.

§ 4. Duty of the treasurer.

§ 5. The two per cent. levy permitted.

AN ACT to enable cities, villages and towns threatened with overflows or inundations to levy taxes by vote of the electors thereof in excess of two per cent. to strengthen, build, raise or repair the levees around same and to issue anticipation warrants on such taxes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That when a vote has been taken, or may hereafter be taken, at a city, village or town election, resulting in a majority of the legal votes cast at such election for a tax to build, raise, strengthen or repair the levees around such city, village or town, such tax not exceeding the rate of one per cent. per annum, to be levied annually for a period of not exceeding seven years on the taxable property of such cities, villages and towns now protected by levees or embankments, or that may be deemed necessary to protect by levees or embankments in this State, it shall be lawful for the proper city, village or town authorities of such cities, villages and towns to make an appropriation by an ordinance of the taxes so authorized and for such city, village or town authorities to pass an ordinance levying such taxes for the whole period so authorized by such vote, and to be annually extended; and to draw anticipation warrants thereon to the amount that such tax levy would produce based on the assessment of the preceding year, of all the taxable

property of such city, village or town, such warrants to draw interest at not to exceed the rate authorized by such vote authorizing same, not exceeding seven per cent. per annum: *Provided*, said warrants are not sold below par.

§ 2. It shall be the duty of the county clerk of the county in which such city, village or town is located to annually extend each year such taxes, when an ordinance is certified to him making such levy, the same to be extended at the rate so fixed therein, not exceeding one per cent. nor exceeding seven years, and to extend same in a separate column designated, "levee tax."

§ 3. It shall be the duty of the collector of taxes of such county, city or village, or township collector (in counties under township organization), when they receive moneys levied as a levee tax, to pay same over to the proper city, village or town treasurer, every two weeks, all that may be in such collectors' hands, informing such treasurer that the same is levee tax, taking his receipt for same as levee tax paid over.

§ 4. It shall be the duty of the treasurer of such city, village or town to receive from the collector of taxes such moneys raised for such purposes and in the manner specified, and pay same out as rapidly as possible only on warrants issued thereon, so long as any of such warrants remain unpaid.

§ 5. Such tax so authorized shall still permit the levy of the two per cent. rate now authorized to be levied for corporate purposes annually as heretofore.

APPROVED June 11, 1897.

## CIVIL RIGHTS.

### PROTECTION TO CITIZENS.

§ 1. Amends section 1 of the Act of 1885 by providing that all citizens be entitled to a full and equal enjoyment, in this State, of enumerated rights.

*AN ACT to amend an act entitled "An act to protect all citizens in their civil and legal rights and fixing a penalty for violation of the same,"*

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of "An act to protect all citizens in their civil and legal rights and fixing a penalty for violation of the same," approved June 10, 1885, in force July 1, 1885, be and the same is hereby amended so as to read as follows:

"SECTION 1. That all persons within the jurisdiction of said State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, restaurants, eating houses, hotels, soda fountains, saloons, barber shops, bath rooms,

theatres, skating rinks, concerts, cafés, bicycle rinks, elevators, ice cream parlors or rooms, railroads, omnibuses, stages, street cars, boats, public conveyances on land and water and all other places of public accommodation and amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens."

APPROVED June 10, 1897.

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## COCAINE.

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### SALE AND PREPARATIONS CONSISTING.

- |  |               |
|--|---------------|
| § 1. Druggists or other persons not allowed to sell or give away cocaine only upon prescription of a licensed physician. | § 2. Penalty. |
|--|---------------|

AN ACT for the regulation for the sale of cocaine and of preparations containing cocaine.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That SECTION 1. It shall not be lawful for any druggist or other person to retail or to sell or to give away any cocaine, hydro-chlorate or other salt of or any compound of cocaine or preparation containing cocaine, or any salts of or any compound thereof, excepting upon the written prescription of a licensed physician or licensed dentist, licensed under the laws of the State, which prescription shall only be filled once: *Provided*, that the provisions of this section shall not apply to sales in the usual quantities at wholesale by any manufacturer or wholesale dealer, when such manufacturer or wholesale dealer shall have affixed to the box, bottle or package containing such cocaine, hydro-chlorate or other salt or compound of cocaine or preparation containing cocaine, a label specifically setting forth the proportion of cocaine contained in any preparation.

§ 2. Every person who shall be found guilty of violation of the provisions of this act shall, for the first offense, be fined a sum not less than ten dollars nor more than fifty dollars, and for each subsequent offense not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail not exceeding thirty days, or either or both, in the discretion of the court.

APPROVED June 11, 1897.

## CONVEYANCES.

## LAND TITLES.

## RECORDERS EX-OFFICIO REGISTRARS.

- § 1. Recorders to be ex-officio registrars.
- § 2. Registrars' bonds.
- § 3. Deputies—powers and duties.
- § 4. Registrar and deputy debarred from practicing as attorney while in office.
- § 5. Attorneys to be appointed examiners of titles.
- § 6. Liability of registrar for act of deputy as examiner.

## BRINGING LAND UNDER ACT.

- § 7. How land brought under act.
- § 8. Fee to be first registered.
- § 9. Lesser estate, etc., to be noted on certificate of title.
- § 10. Title derived through tax sale, etc.
- § 11. Application to come under act—what to contain.
- § 12. Any number of pieces of land may be included in one application.
- § 13. Form of application.
- § 14. Application may be amended.
- § 15. Application for registration—to whom made.
- § 16. Duties of clerk of the court.
- § 17. Applications for registration, orders, judgments and decrees to be kept in docket.
- § 18. Examination of applicant's title.
- § 19. Issuance of summons.
- § 20. Notice published—form of notice.
- § 21. Notice addressed to defendants.
- § 22. Persons interested may oppose application or file cross application.
- § 23. Failure of persons to appear.
- § 24. Court not bound by report of examiner.
- § 25. Title in lands vested—clouds removed from title.
- § 26. Order or decree binding—appeals to supreme court.
- § 27. Actions for the recovery of lands—when commenced.

- § 28. Notice of adverse title, counter claim, etc.

## REGISTERING THE TITLE.

- § 29. Certificates of title.
- § 30. Form of certificates.
- § 31. Subsequent certificates.
- § 32. The words heirs and assigns not necessary to create a fee.
- § 33. Certificates of title—requisites.
- § 34. Where two or more persons are interested.
- § 35. Register of titles—what to contain.
- § 36. Duplicate certificates.
- § 37. Receipt for certificate of title.
- § 38. Certificates of title—when to take effect.
- § 39. Certificates to be *prima facie* evidence.
- § 40. Rights of registered owner.
- § 41. Title to registered land by length of possession precluded.
- § 42. Fraud—effect of in transfer.
- § 43. Specific performance—certificate of title as evidence.
- § 44. In actions of ejectment.
- § 45. Memorial to be carried forward.
- § 46. Terms of act a rule of property.

## TRANSFER.

- § 47. How transfer made.
- § 48. When only a part of land transferred.
- § 49. When transfer deemed to be registered.
- § 50. File mark on deeds, etc.
- § 51. Instruments to remain in registrar's office.
- § 52. Present forms of instruments sufficient.
- § 53. Endorsement upon instruments presented for registration.
- § 54. Deeds, etc., to take effect only as contracts—transfer to be perfected on completion of registration.
- § 55. Where transfer registered.



- § 56. What certificate shall state.
- § 57. New certificates.
- § 58. Loss of duplicate certificate supplied by certified copy of original certificate.

## MORTGAGES, LEASES AND OTHER CHARGES.

- § 59. Mortgages, liens, etc., may be registered.
- § 60. Proceedings.
- § 61. Trust deed subject to same rules as a mortgage.
- § 62. Of duplicates or triplicates, only one to be filed.
- § 63. Certified copies.
- § 64. Assignment of charge or instrument.
- § 65. Release, discharge, surrender—how effected.
- § 66. Charges—enforced as now provided by law.

## ATTORNEYS IN FACT.

- § 67. Power of attorney to be filed.

## TRUSTS, CONDITIONS AND LIMITATIONS.

- § 68. Conditions, limitations, etc., to be noted on instrument.
- § 69. Registration of same.

## TRANSMISSION.

- § 70. Upon death of owner.
- § 71. Personal representative of deceased owner to file copies of letters of administration, or will, etc.
- § 72. Administrator or executor to sell only on order of court.
- § 73. Powers of administrator or executor.
- § 74. Executor entitled to transfer.
- § 75. Executor under will empowering him to sell.
- § 76. Proof of heirship—conclusive evidence.
- § 77. Probate court may order sale of land.
- § 78. Court may direct transfer to heirs or devisees of registered lands in anticipation of final distribution.
- § 79. Final distribution.

## DEALINGS OF ASSIGNEES, RECEIVERS, MASTERS, ETC.

- § 80. In assignments, receiverships, etc., certified copy of order of court to be filed—memorial.
- § 81. Powers of assignee upon filing of memorial.

## TAX SALES.

- § 82. Memorial of tax sale—certificate—duty of holder—notice.
- § 83. Effect of tax deed—certificates of title when issued.

## LES PENDENS—NOTICE.

- § 84. Doctrine of les pendens as governed by this act.

## JUDGMENTS, ETC.

- § 85. When judgment or decree becomes lien.

## ATTACHMENT, EXECUTION, ETC., LIENS.

- § 86. When lien arises under attachment, execution, etc.
- § 87. Lands sold by virtue of execution, judgments, etc.
- § 88. Transfer of title—when made by the registrar.
- § 89. Claim under lien law.
- § 90. Statutory lien—memorial.
- § 91. Cancellation of liens by registrar.

## MEMORIALS OF ADVERSE CLAIM, ETC.

- § 92. Persons holding by adverse title to make affidavit.

## PROCEEDINGS IN CHANCERY.

- § 93. Jurisdiction of courts sitting in chancery.
- § 94. Remedy of persons aggrieved.
- § 95. Order or decree not to be removed.
- § 96. Court may award damages and attorney's fees.

## INDICES.

- § 97. Registrar to keep reference tract indices.

## § 98. Alphabetical indices.

## INDEMNITY FUND.

## § 99. Bringing land under act—charges of registrar.

## § 100. Investment of funds.

## PROCEEDINGS TO RECOVER COMPENSATION FOR LOSS OR DAMAGE.

## § 101. Damages.

## § 102. Who to be made defendants.

## TIME OF PROCEEDINGS LIMITED.

## § 103. Limitation.

## PENALTIES.

## § 104. Fraudulent procurement of certificate of title—penalty.

## § 105. Forgery, etc.—penalty.

## § 106. Remedy over.

## DOCKET FEES.

## § 107. Clerks of courts—fees.

## REGISTRARS' FEES.

## § 108. Fee of registrar.

## § 109. Act to be liberally construed.

## SUBMISSION TO VOTE IN COUNTIES.

## § 110. Act to be submitted to the people.

## § 111. Emergency.

## AN ACT concerning land titles.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* RECORDERS EX-OFFICIO REGISTRARS.] SECTION 1. Recorders and *ex-officio* recorders of deeds in the several counties in this State shall be registrars of titles in their respective counties. Their deputies shall be deputy registrars. All laws relative to recorders and their deputies, including their compensation, clerk hire and expenses, shall extend to registrars and their deputies, so far as the same may be applicable.

§ 2. Every recorder and *ex-officio* recorder shall, before entering upon his duties as registrar, give a bond with sufficient security, to be approved by the judge of the county court, payable to the People of the State of Illinois in the penal sum of \$50,000, (except that in counties having a population of more than 100,000 inhabitants the penalty of the bond shall be \$200,000), conditioned for the faithful discharge of his duties, and to deliver up all papers, books, records and other property belonging to the county or appertaining to his office as registrar of titles, whole, safe and undefaced, when lawfully required so to do; which bond shall be filed in the office of the Secretary of State, and a copy thereof entered upon the records of the county court.

§ 3. Deputies may perform any and all duties of the registrar in the name of the registrar, and the acts of such deputies shall be held to be the acts of the registrar, and in case of the death of the registrar or his removal from office, the chief deputy shall thereupon become the acting registrar until such vacancy shall be filled according to law, and he shall file a like bond and be vested with the same powers and subject to the same responsibilities and entitled to the same compensation as in the case of the registrar.

§ 4. No registrar or deputy registrar shall practice as attorney or counselor-at-law, nor be in partnership while in office with any attorney or counselor-at-law so practicing.

§ 5. The registrar may appoint in his county two or more competent attorneys to be examiners of titles and legal advisers of the registrar. Their compensation shall be fixed in the same manner as that of deputy registrars.

"Every examiner of title shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the Constitution, and shall also give a bond in such an amount, with such security as shall be approved by the judge of the county court, payable in like manner and with like conditions as required of the registrar. A copy of the bond shall be entered upon the records of said court and the original shall be deposited with the registrar."

§ 6. The registrar shall be liable for any neglect or omission of the duties of his office, when occasioned by a deputy or examiner of titles, in the same manner as for his own personal neglect or omission.

BRINGING LAND UNDER ACT.] § 7. The owner of any estate or interest in land, whether legal or equitable, may apply as hereinafter mentioned to have his title registered. He may apply in person or by an attorney in fact authorized so to do. A corporation may apply by its authorized agent, an infant by his natural or legal guardian, any other person under disability by his legal guardian. The person in whose behalf the application is made shall be named as applicant.

§ 8. No mortgage, lien, charge or lesser estate than a fee simple shall be registered unless the fee simple to the same land is first registered.

§ 9. It shall not be an objection to bringing land under this act, that the estate or interest of the applicant is subject to any outstanding lesser estate, mortgage, lien or charge, but every such lesser estate, mortgage, lien or charge shall be noted upon the certificate of title and the duplicate thereof, and the title or interest certified shall be subject only to such estates, mortgages, liens and charges as are so noted, except as herein provided.

§ 10. No title derived through sale for any tax or assessment shall be entitled to be first registered, unless it shall be made to appear that the applicant or those through whom he claims title have been in the actual and undisputed possession of the land under such title at least ten years, and shall have paid all taxes and assessments legally levied thereon for seven successive years of that time.

§ 11. The application shall be in writing, signed and sworn to by the applicant or the person acting in his behalf. It shall set forth substantially:

A. The name and place of residence of the applicant, and if the application is by one acting in behalf of another, the name and place of residence and capacity of the person so acting.

*B.* Whether the applicant (except in the case of a corporation,) is married or not, and, if married, the name and residence of the husband or wife.

*C.* The description of the land.

*D.* The applicant's estate or interest in the same, and whether the same is subject to an estate of homestead.

*E.* Whether the land is occupied or unoccupied, and, if occupied by any other person than the applicant, the name and postoffice address of each occupant, and what estate or interest he has or claims in the land.

*F.* Whether the land is subject to any lien or incumbrance, and, if any, give the nature and amount of the same, and, if recorded, the book and page of record; also, give the name and postoffice address of each holder thereof.

*G.* Whether any other person has any estate or claims any interest in the land, in law or equity, in possession, remainder, reversion or expectancy, and, if any, set forth the name and postoffice address of every such person and the nature of his estate or claim.

*H.* In case it is desired to settle or establish boundary lines the names and postoffice addresses of all the owners of the adjoining lands that may be affected thereby, so far as he is able, upon diligent inquiry, to ascertain the same.

*I.* If the applicant is a male, that he is of the full age of twenty-one years; if a female, that she is of the full age of eighteen years. If the application is on behalf of a minor, the age of such minor shall be stated. If the application is by a husband or wife, the other shall by indorsement thereon acknowledged as in the case of deeds or by a separate instrument acknowledged in the same way, signify his or her assent to the registration as prayed.

*J.* When the place of residence of any person whose residence is required to be given is unknown, it may be so stated if the applicant will also state that upon diligent inquiry he has been unable to ascertain the same. All persons named in the application shall be considered as defendants thereto, and all other persons shall be included and considered as defendants by the term, "all whom it may concern."

§ 12. Any number of contiguous pieces of land in the same county and owned by the same person, and in the same right, or any number of pieces of property in the same county having the same chain of title and belonging to the same person, may be included in one application.

§ 13. The form of the application may be, with appropriate changes, as follows:

### FORM OF APPLICATION FOR INITIAL REGISTRATION OF TITLE TO LAND.

To the judge of the .....court of .....county, Illinois,  
in chancery sitting:

STATE OF ILLINOIS, {  
COUNTY OF ..... } ss.

I hereby make application to have registered the title to the land hereinafter described, and do solemnly swear that the answers to the questions herewith and the statements herein contained are true to the best of my knowledge and belief.

(1st.) Name of applicant ..... Age .....  
years. Residence ..... (No. street or township).  
Married to ..... (name husband or wife). Residence  
(No. street or township).

(2d.) Application made by ..... acting as  
..... (owner, agent or attorney) Residence .....  
(No. street or township) .....

(3d.) Description of real estate is as follows: .....  
..... estate  
or interest therein is ..... and ..... subject to  
homestead.

(4th.) The land is occupied by .....  
(names of occupants) whose address is .....  
(No. street or township) and ..... address .....  
The estate, interest or claim of occupant is .....

(5th.) Liens and incumbrances on the land .....  
..... Name of holder or owner thereof .....  
..... Postoffice address .....  
Amount of claim, \$ ..... Recorded, Book ..... , page .....

(6th.) Other person ...., firm or corporation having or claiming  
any estate, interest or claim in law or equity, in possession, reversion  
or expectancy in said land are .....

Address .....  
Character of estate, interest or claim is .....

(7th.) Other facts connected with said land are .....

(8th.) Therefore the applicant prays the court to find and declare the title or interest of the applicant in said land and decree the same, and order the registrar of titles to register the same, and to grant such other and further relief as shall be according to equity.

.....(Applicant signature) .....

By.....(Agent, Att'y., Adm'r. or Guard.) ....

Subscribed and sworn to before me by the above named.....  
.....as .....(owner,  
att'y. or agent,) this.....day of....., A. D. 18..

.....  
.....

I hereby assent to the registration of the above described real estate as prayed for by.....who is my.....  
(husband or wife.)

.....(Husband or wife's signature).....

STATE OF ILLINOIS, }  
COUNTY OF ..... } ss.

I, ....., a .....,  
....., in and for said county in the State aforesaid,

DO HEREBY CERTIFY that....., personally known to me to be the same person whose name is subscribed to the foregoing assent, appeared before me this day in person and acknowledged the said assent as..... free and voluntary act for the uses and purposes therein set forth.

Given under my hand and..... seal, this.....day of....., A. D. 18.....

.....

§ 14. The application may be amended only by supplemental statement in writing, signed and sworn to as in the case of the original.

§ 15. The application for registration may be made to any court having chancery jurisdiction in the county where the land is situated, and such court shall have power to inquire into the condition of the title to and any interest in the land, and any lien or incumbrance thereon, and to make all such orders, judgments and decrees as may be necessary to determine, establish and declare the title or interest, legal or equitable, as against all persons, known or unknown, and all liens and incumbrances existing thereon, whether by law, contract, judgment, mortgage, trust deed or otherwise, and to declare the order and preferences as between the same, and to remove clouds from the title, and for that purpose the said court shall be always open, and such orders, judgments and decrees may be made and entered as well in vacation as in term time.

§ 16. Upon the filing of the application in the office of the clerk of the court, the clerk shall docket the same in a book to be kept for that purpose, which shall be known as the "Land Registration Docket." The application may be entitled in all entries and proceedings as follows: "In the matter of the application of (name of applicant,) to register the title to (here insert short description of the land,)" and if any person is named as being in possession of the premises or having any lien or incumbrance upon, or as having or claiming any interest in the land, such person shall be named as defendant. All other persons shall be made and deemed to be defendants by the name or designation of "all whom it may concern."

§ 17. All applications for initial registration of title shall be docketed in such book and numbered consecutively, beginning with number one. All orders, judgments and decrees of the court in the case shall be minuted in such docket under the number so given it, with proper reference to the book and page where the order or decree is recorded.

§ 18. Immediately upon the filing of the application, an order may be entered referring the same to one of the examiners of titles appointed by the registrar, who shall proceed to examine into the title and into the truth of the matter set forth in the application, and particularly whether the land is occupied, the nature of the occupation, if occupied; and by what right, and make report in writing to the court, the substance of the proof and his conclusions therefrom. He shall have power to administer oaths, and examine witnesses, and may at any time apply to the court for directions in any matter concerning his investigation. He shall not be required to report the evidence submitted to him except upon the request of some party to the proceedings or by the direction of the court. No report shall be made upon such application until after the expiration of the time specified in the notice hereinafter provided for the appearance of the defendants, and in case of such appearance until opportunity is given to such defendant to contest the rights of the applicant in such manner as may be allowed by the court.

§ 19. The clerk shall also immediately on the filing of such petition issue summons against all persons mentioned in the petition as defendants. The summons shall state the date of the filing of the application, and shall be made returnable at such time as shall be directed by endorsement thereon, not less than ten days after the filing of such petition. The summons may be served as in other cases in chancery.

§ 20. The clerk shall also immediately upon the filing of such application cause notice of the filing thereof to be published once in each week for four consecutive weeks in some newspaper published in the county, or if there is no newspaper published in the county, then in a newspaper published in one of the counties nearest thereto. The notice may be substantially as follows:

• REGISTRATION OF LAND TITLE.

In the matter of the application of.....to register the title to (here insert description of land as in the application, and in case any person is named as defendant, the name of such persons defendant). To all whom it may concern:

TAKE NOTICE, That on the.....day of.....  
A. D.,.....an application was filed by said.....  
in the.....Court of.....County, for initial registration of the title to the land above described. Now, unless you appear on or before the.....day of.....A. D. .... (the time shall not be less than thirty days after the filing of such application,) and show cause why such application shall not be granted, the same will be taken as confessed, and a decree will be entered according to the prayer of the application and you will be forever barred from disputing the same.

§ 21. The clerk shall also, within ten days after the first publication, send a copy thereof by mail addressed to such defendants whose places of residence are stated in the application and whose appearance is not entered and who are not served with process. The certificate of the clerk that he has sent such notice in pursuance of this section shall be evidence thereof. Other or further notice of such application may be given in such manner and to such persons as may be directed by the court or any judge thereof.

§ 22. Any person interested, whether named as defendant or not, may, upon entering his appearance and answering the application within the time allowed by this act, or such further time as shall be allowed by the court, oppose any such application or file a cross-application in like form, as in case of an original application, to have the title registered in his behalf. In either case he shall state particularly what his interest is and full answer make to each and every of the material allegations of the application, admitting, avoiding or traversing the same or showing some cause in law why the same need not be so admitted, avoided or traversed. Such answer shall be verified by the affidavit of himself or his agent having knowledge of the facts. The answer shall have no other or greater weight as evidence than the application.

§ 23. If any person shall fail to appear within the time required of him by summons duly served upon him or within the time required by any notice given in pursuance of this act, or, appearing, shall fail to answer the application as herein provided, his default may be entered and the application taken as confessed, and upon report of examiner showing that the facts stated in the application are true and the applicant is the owner of the land or interested therein, as set forth in the application, the court may grant an order or decree in accordance with the prayer of the application.

§ 24. The court shall in no case be bound by the report of an examiner of title, but may require other or further proof.



§ 25. The court may, in any proceeding under this act, find and decree in whom the title to or any interest in the land is vested, whether in the applicant or in any other person, and remove clouds upon the title, and also whether the same is subject to any lien or incumbrance, estate, trust or interest, and declare the same, and may order the registrar of titles to register such title or interest, and in case the same is subject to any lien, incumbrance, estate, trust or interest, give directions as to the manner and order in which the same shall appear upon the certificate of title to be issued by the registrar, and generally may make any and all such orders and decrees as shall be according to equity in the premises and as shall be in conformity to the principles of this act.

§ 26. The order or decree so made and entered shall, except as herein otherwise provided, be forever binding and conclusive upon all persons, whether mentioned by name in the petition or included in "all whom it may concern." It shall not be an exception to such conclusiveness that the person is an infant, lunatic or is under any disability, but such person may have recourse upon the indemnity fund, hereinafter provided for, for any loss he may suffer by reason of being so concluded. An appeal may be allowed to the Supreme Court, if prayed at the time of entering the order or decree, and upon like terms as in other cases in chancery. A writ of error may be sued out of the Supreme Court within two years after the entry of the order or decree, and not afterwards. Any person having an interest in or lien upon the land who has not been actually served with process or notified of the filing of such application or the pendency thereof, may, at any time within two years after the entry of such order or decree, and not afterwards, appear and file his sworn answer to such application in like manner as is hereinbefore prescribed for making answer: *Provided*, the affidavit shall also state that such person had no notice, information or belief of the filing of such application or the pendency of the proceeding until within three months of the time of the filing of such answer. Upon the filing of such answer, and not less than ten days' notice being given to the applicant, the court shall proceed to review the case, and if the court is satisfied that the order or decree ought to be opened, an order shall be entered to that effect, and the court may proceed to review the proceeding and make such order in the case as shall be according to equity in the premises. An appeal may be allowed or writ of error sued out in such case within a like time and in like manner as in the case of an original order or decree under this act, and not otherwise.

§ 27. No person shall commence any action at law or in equity for the recovery of lands or assert any interest or right in or lien or demand upon the same, or make entry thereon adversely to the title or interest as found, ordered or decreed by the court, unless within two years after the entry of the order or decree. This section shall be construed as giving such right of action to such persons only as shall not, because of some irregularity, insufficiency or for some other cause, be bound and concluded by such order or decree.

§ 28. Any person having any interest, right, title, lien or demand, whether vested, contingent or inchoate, in, to or upon registered land, which existed at the time the land is first registered, and upon or for which no cause of action shall have accrued at the date of the registration of the land, and who has not become barred or concluded by such order or decree, may, prior to the expiration of said two years after such registration, file in the registrar's office a notice, under oath, setting forth his interest, right, title, lien or demand, and how and under whom derived, and the character and nature thereof; and if such counter-claim is so filed, an action may be brought to assert or recover or enforce the same at any time within one year after the right of action shall have accrued thereon, and not afterwards. It shall be the duty of a life tenant or trustee to file such counter-claim on behalf of any remainderman or reversioner, whether the remainder or reversion be at the time vested or contingent, and of a guardian to file such counter-claim on behalf of his ward.

REGISTERING THE TITLE.] § 29. Upon the filing of a certificate signed by the clerk giving the effect of the order or decree of the court, or a copy of such order or decree, in the registrar's office, the registrar shall proceed to register the title or interest pursuant to the terms of the order or decree in the manner following:

§ 30. He shall make out a certificate of title which may, subject to such change as the case may require, be substantially as follows:

FIRST CERTIFICATE OF TITLE PURSUANT TO ORDER  
OF.....COURT OF.....COUNTY.

STATE OF ILLINOIS, }  
.....COUNTY. }

.....of (residence, and if a minor give his age; if under other disability, state the nature of the disability), married to (name of husband or wife, or if not married say not married,) is the owner of an estate in fee simple (or as the case may be,) in the following land (here describe the premises,) subject to the estates, easements, incumbrances and charges hereunder noted. (In case of trust, condition or limitation, say "in trust" or "upon condition" or "with limitation" as the case may be).

Witness my hand and official seal, this (date).

(SEAL)

.....  
Registrar.

§ 31. All subsequent certificates may be in like form, except that in place of the words "First certificate," etc., shall be the words "Transfer from No. . . ." (the number of the next previous certificate), also the words "First registered. . ." (date of first registration).

§ 32. The words "heirs and assigns" shall not in any case be necessary to create a fee simple estates of inheritance.

§ 33. Every certificate shall bear date the day and year of its issue, and be under the hand and official seal of the registrar, and be

numbered in the order of its issue. It shall state whether the owner (except in the case of a corporation,) is married or not married, and if married, the name of the husband or wife. If the owner is a minor, it shall state his age, if under any other disability, the nature of the disability. The registrar shall note at the end of the certificate, in such manner as to show and preserve their priorities, the particulars of all estates, mortgages, incumbrances and charges to which the owner's title is subject.

§ 34. In all cases where two or more persons are entitled as tenants in common to an estate in registered land, such persons may receive one certificate for the entirety, or each may receive a separate certificate for his undivided share.

§ 35. The registrar shall keep a book, to be known as the "Register of Titles," wherein he shall enter all first and subsequent "original" certificates of title by binding or recording them therein, in the order of their numbers, with appropriate blanks for the entry of memorials and notations allowed by this act. Each certificate, with such blanks, shall constitute a separate *folium* of such book. All memorials and notations that may be entered upon the register under the terms of this act shall be entered upon the *folium* constituted by the last certificate of title of the land to which they relate. Whenever the term certificate of title is used in this act it shall be deemed as including all memorials and notations thereunder noted.

§ 36. The registrar shall, at the same time that he makes out his original certificate of title, make out an exact duplicate thereof, with the memorials and notations thereunder noted, which shall be delivered to the owner and shall be known as the owner's duplicate.

§ 37. For the purpose of preserving evidence of the handwriting of the owner in his office, it shall be the duty of the registrar to take from the owner, in every case where it is practicable so to do, his receipt for the certificate of title, or whatever paper shall be issued to him, signed by the owner in person. When such receipt is signed in the registrar's office it may be witnessed by the registrar or some deputy. If signed elsewhere it may be acknowledged before any officer authorized to take acknowledgment of deeds. When so signed and witnessed or acknowledged, such receipt shall be *prima facie* evidence of the genuineness of such signature.

§ 38. In every case of final registration the certificate of title shall relate back to and take effect as of the date of the order or decree directing the registration, and all dealings with the land and all statutory or other liens upon the same subsequent to the filing of the application shall be subject to such order or decree of the court.

§ 39. Such certificate, with the memorials and notations thereunder noted, and any copy thereof duly certified under the hand and seal of the registrar and the owner's duplicate certificate shall, until the expiration of the time herein limited to bring some action or to contest the title of the registered owner, be in all courts and places *prima facie* evidence that the provisions of the law have been complied with, and that such certificate of title has been issued in com-

pliance with a valid order or decree, and that the title to the land is as therein stated, and after the expiration of such time limited shall be conclusive evidence of the same facts.

§ 40. The registered owner of any estate or interest in land brought under this act shall, except in cases of fraud to which he is a party, or of the person through whom he claims without valuable consideration paid in good faith, hold the same subject only to such estates, mortgages, liens, charges and interests as may be noted in the last certificate of title in the registrar's office and free from all others, except:

1. Any subsisting lease or agreement for a lease for a period not exceeding five years, where there is actual occupation of the land under the lease. The term lease shall include a verbal letting.

2. All public highways embraced in the description of the lands included in the certificate shall be deemed to be excluded from the certificate.

3. Any subsisting right of way or other easement, however created, upon, over or in respect of the land.

4. Any tax or special assessment for which a sale of the land has not been had at the date of the certificate of title.

5. Such right of appeal, writ of error, right to appear and contest the application and of such action or, to make counterclaim as is allowed by this act.

§ 41. After land has been registered no title thereto adverse or in derogation to the title of the registered owner shall be acquired by any length of possession.

§ 42. Except in case of fraud, and except as herein otherwise provided, no person taking a transfer of registered land, or any estate or interest therein, or of any charge upon the same, from the registered owner shall be held to inquire into the circumstances under which or the consideration for which such owner or any previous registered owner was registered, or be affected with notice, actual or constructive, of any unregistered trust, lien, claim, demand or interest; and the knowledge that an unregistered trust, lien, claim, demand or interest is in existence shall not of itself be imputed as fraud.

§ 43. In any suit for specific performance brought by a registered owner of any land under the provisions of this act against a person who may have contracted to purchase such land, not having notice of any fraud or other circumstances which according to the provisions of this act would affect the right of the vendor, the certificate of title of such registered owner shall be held in every court to be conclusive evidence that such registered owner has a good and valid title to the land and for the estate or interest therein mentioned or described.

§ 44. In any action or proceeding brought for ejectment, partition or possession of land, the certificate of title of a registered owner shall, except as to any person not bound by the order or decree of the court, or by some limitation herein or in some other

statute contained, be held to be conclusive evidence that such registered owner has a good and valid title to the land, and for the estate or interest therein mentioned or described, subject only to such estates, mortgages, liens, charges and interests as may be noted thereunder, and unless it shall otherwise appear by such notations that such registered owner is entitled to the possession of said land.

§ 45. Whenever a memorial or notation has been entered as permitted by this act, the registrar shall carry the same forward upon all certificates of title until the same is canceled in some manner authorized by this act.

§ 46. The bringing of land under this act shall imply an agreement which shall run with the land that the same shall be subject to the terms of the act and all amendments and alterations thereof. And all dealings with land or any estate or interest therein, after the same has been brought under this act, and all liens, incumbrances and charges upon the same subsequent to the first registration thereof, shall be deemed to be subject to the terms of this act.

TRANSFER.] § 47. A registered owner of land desiring to transfer his whole estate or interest therein, or some distinct part or parcel thereof, or some undivided interest therein, or to grant out of his estate an estate for life or for a term of not less than ten years, may execute to the intended transferee a deed or instrument of conveyance in any form authorized by law for that purpose. And upon filing such deed or other instrument in the registrar's office and surrendering to the registrar the duplicate certificate of title, and upon its being made to appear to the registrar that the transferee has the title or interest proposed to be transferred and is entitled to make the conveyance, and that the transferee has the right to have such estate or interest transferred to him, he shall make out and register as hereinbefore provided a new certificate and also an owner's duplicate certifying the title to the estate or interest in the land desired to be conveyed to be in the transferee, and shall note upon the original and duplicate certificate the date of the transfer, the name of the transferee and the volume and *folium* in which the new certificate is registered, and shall stamp across the original and surrendered duplicate certificate the word "canceled."

§ 48. When only a part of the land described in a certificate is transferred, or some estate or interest in the land is to remain in the transferer, a new certificate shall be issued to him for the part, estate or interest remaining in him.

§ 49. Every transferer of registered land shall be deemed to be registered under this act when the new certificate to the transferee shall have been entered, as in the case of first registration; and all other dealings shall be considered as registered when the memorial or notation shall have been entered in the register upon the *folium* constituted by the existing certificate of title of the land. But, for the protection of the transferee or person claiming through any

transfer or dealing, the registration shall relate back to the time of filing in the registrar's office the deed, instrument or notice, pursuant to which the transfer memorial or notation is made.

§ 50. The registrar shall mark as filed every deed, mortgage, lease and other instrument which may be filed in his office in the order of its receipt, and shall note thereon at the date of filing the minute, hour, day and year it is received. When the date of filing any instrument is required to be entered upon the register it shall be the same as that indorsed upon such instrument.

§ 51. All instruments, notices and papers required or permitted by this act to be filed in the office of the registrar shall be retained and kept in such office. They shall be numbered consecutively and a list of the same kept in a book for that purpose, describing the same as "warranty deed," "quit-claim deed," "mortgage," etc.

§ 52. Like forms of deeds, mortgages, leases or other instruments as are now or may hereafter be sufficient in law for the purpose intended, may be used in dealing with registered land and any estate or interest therein.

§ 53. On all instruments presented to the registrar for registration shall be indorsed the name and address of the person so presenting the same, and all notices by the registrar or other person relating to the land therein described may be served on such person at such address. The address may be changed from time to time by such person filing with the registrar a written notice of such change.

§ 54. A deed, mortgage, lease or other instrument purporting to convey, transfer, mortgage, lease, charge or otherwise deal with registered land, or any estate or interest therein, or charge upon the same, other than a will or a lease not exceeding five years where the land is in actual possession of the lessee or his assigns, shall take effect only by way of contract between the parties thereto, and as authority to the registrar to register the transfer, mortgage, lease, charge or other dealing upon compliance with the terms of this act. On the completion of such registration, the land, estate, interest or charge shall become transferred, mortgaged, leased, charged or dealt with according to the purport and terms of the deed, mortgage, lease or other instrument.

§ 55. No transfer of title to land, or any estate or interest thereon, or mortgage, shall be registered until it shall be made to appear to the registrar that the land has not been sold for any tax or assessment upon which a deed has [has] been given and the title is outstanding, or upon which a deed may thereafter be given, and that the dower, right of dower and estate of homestead, if any, have been released or extinguished, or that the transfer or mortgage is intended to be subject thereto, in which case it shall be so stated in the certificate of title.

§ 56. Every certificate of title to land shall state whether the transferer (except when the latter is a corporation,) is married or not married, and if married the name of the husband or wife. The trans-

freee shall furnish the registrar the necessary information before he shall be entitled to have the land transferred to him on the register.

§ 57. Upon the application of any registered owner of land held under separate certificates of title, or under one certificate, and delivering up of such certificate or certificates of title, the registrar may issue to such owner a single certificate of title for the whole of such land, or several certificates, each containing a portion of such land in accordance with such application, and as far as the same may be done consistently with any regulations at the time being in force respecting the parcels of land that may be included in one certificate of title, and upon issuing any such certificate of title, said registrar shall endorse on the last previous certificate of title of such land so delivered up a memorial setting forth the occasion of such cancellation, and referring to the volume and *folium* of the new certificate or certificates of title so issued.

§ 58. In the event of a duplicate certificate of title being lost, mislaid or destroyed, the owner, together with other persons, if any, having knowledge of the circumstances, may make affidavit before the registrar, or before any officer authorized to administer oaths, stating the facts of the case, the names and descriptions of the registered owners, and the particulars of all mortgages, encumbrances or other matters affecting such land and the title thereto to the best of applicant's knowledge and belief, and the registrar, if satisfied as to the truth of such affidavit, and the *bona fide* of the transaction, shall issue to the owner a certified copy of the original certificate with the memorials and notations appearing upon the register, and shall note upon the register the fact, cause and date of such issue, and shall also mark upon such certified copy: "Owner's certified copy, issued in place of lost, (mislaid or destroyed, as the case may be), certificate," and such certified copy shall stand in the place of and have like effect as the missing duplicate certificate.

MORTGAGES, LEASES AND OTHER CHARGES.] § 59. Every mortgage, lease for a term not exceeding ten years, contract to sell, and other instrument intended to create a lien, incumbrance or charge upon registered land or any interest therein shall be deemed to be a charge thereon, and may be registered as hereinafter provided.

§ 60. On the filing of the instrument intended to create the charge in the registrar's office, and the production of the duplicate certificate of title, and it appearing to the registrar that the person intending to create the charge has the title and right to create such charge, and that the person in whose favor the same is sought to be created is entitled by the terms of this act to have the same registered, he shall enter upon the proper *folium* of the register, and also upon the owner's certificate, a memorial of the purport thereof, and the date of filing the instrument with a reference thereto by its file number, which memorial shall be signed by the registrar. The registrar shall also note upon the instrument on file the volume and *folium* of the register where the memorial is entered.

§ 61. A trust deed in the nature of a mortgage shall be deemed to be a mortgage, and be subject to the same rules as a mortgage.

§ 62. When any mortgage, lease, or other instrument creating or dealing with a charge upon registered land or any estate or interest therein is in duplicate, triplicate or more parts, only one of the parts need be filed and kept in the registrar's office, but the registrar shall note upon the register whether the same is in duplicate, triplicate, or as the case may be, and shall also mark upon the others "mortgagee's duplicate," "lessor's duplicate," "lessee's duplicate," or as the case may be, and note upon the same the date of filing and the volume and *folium* of the register where the memorial is entered, and deliver them to the parties entitled thereto.

§ 63. When an instrument is not executed in a sufficient number of parts for the convenience of the parties, the registrar may make and deliver to each of the parties entitled thereto certified copies of the instrument filed in his office, with the endorsements thereon, marking the same "mortgagee's certified copy," "lessor's certified copy," or as the case may be, and shall note upon the register the fact of issuing such copies. Such certified copies shall have the same force and effect, and be treated as duplicates.

§ 64. The holder of any charge upon registered land desiring to transfer the same or any part thereof, may execute an assignment of the whole or any part thereof, and upon such assignment being filed in the office of the registrar, and the production of the duplicate or certified copy of the instrument creating the charge held by the assignor, the registrar shall enter in the register opposite the charge a memorial of such transfer, with a reference to the assignment by its file number; he shall also note upon the instrument on file in his office intended to be transferred and upon the duplicate or certified copy thereof produced, the volume and *folium* where the memorial is entered with the date of the entry. The transferee shall be entitled to have a certified copy of the instrument of transfer, with the endorsement thereon, and in case of the transfer of the entire charge, the duplicate or certified copy of the instrument creating the charge.

§ 65. A release, discharge or surrender of a charge, or any part thereof, or of any part of the land charged, may be effected in the same way as above provided in the case of a transfer. In case only a part of the charge or of the land is intended to be released, discharged or surrendered, the entry shall be made accordingly, but when the whole is released, discharged or surrendered at the same or several times, the registrar shall stamp across the instrument on file, and the memorial thereof, and the duplicate or certified copy produced, the word "canceled."

§ 66. All charges upon registered land or any estate, or interest in the same, and any rights thereunder, may be enforced as now allowed by law, and all laws with reference to the foreclosure and release or satisfaction of mortgage shall apply to mortgages upon registered land, or any estate or interest therein, except as herein otherwise pro-



vided, and except that until notice of the pendency of any suit to enforce or foreclose such charge is filed in the registrar's office and a memorial thereof entered on the register, the pendency of such suit shall not be notice to the registrar or any person dealing with the land or any charge thereon.

ATTORNEYS IN FACT.] § 67. Before any person can convey, charge or otherwise deal with any registered land or any estate or interest therein, as attorney in fact for another, the deed or instrument empowering him so to act shall be filed with the registrar, and a memorial thereof entered upon the register in like manner as in the case of a charge. If the attorney shall so desire, the registrar shall deliver to him a certified copy of the power of attorney, with the endorsements thereon. Revocation of a power may be registered in like manner.

TRUSTS, CONDITIONS AND LIMITATIONS.] § 68. Whenever a deed or other instrument is filed in the registrar's office for the purpose of effecting a transfer of or charge upon registered lands, or any estate or interest in the same, and it shall appear that the transfer or charge is to be upon any trust, condition or limitation expressed in such deed or instrument, the registrar shall, unless such deed or instrument expressly directs to the contrary, note in the certificate, and the duplicate thereof, or memorial, the words "in trust," or "upon condition," or "with limitations," as the case may be, and no transfer of or charge upon, or dealing with, the land, estate or interest shall thereafter be registered, unless pursuant to the order of some court, or upon the written opinion of two examiners that such transfer, charge or dealing is in accordance with the true intent and meaning of the trust, condition or limitation.

§ 69. Upon the filing with the registrar of an order of court or opinion of two examiners, as provided in the last section, and in the latter event upon the registrar also being satisfied that the proposed transfer, charge or other dealing is in accordance with the true intent and meaning of the trust, condition or limitation, he shall proceed to register the same, and such registration shall be conclusive evidence in favor of the person taking such transfer, charge or other right, and those claiming under him, in good faith and for a valuable consideration, that such transfer, charge or other dealing is in accordance with the true intent and meaning of the trust, condition or limitation.

□ TRANSMISSION.] § 70. Lands and any estate or interest therein registered pursuant to this act shall, upon the death of the owner, go to the personal representatives of the deceased in like manner as personal estate, whether the owner dies testate or intestate, and shall be subject to the same rules of administration as if the same were personalty, except as otherwise provided in this act, and except that the rule of division shall be the same as in the descent of real property, or as shall be provided by will.

§ 71. Before the personal representative of a deceased owner of registered land, or any estate, or interest therein, shall deal with the

same, he shall file in the registrar's office a certified copy of his letters of administration, or if there is a will, a certified copy of the same and of the letters testamentary or of administration, with the will annexed, as the case may be, and shall produce the duplicate certificate of title, and thereupon the registrar shall enter upon the register and the duplicate certificate, a memorial thereof with a reference to the letters or will and letters by their file number, and the date of filing the same.

§ 72. Except in the case of a will devising the lands to an executor to his own use or upon some trust or giving to the executor power to sell, no sale or transfer of registered land shall be made by the executor or by an administrator in the course of administration for the payment of debts or otherwise, except in pursuance of an order of a competent court obtained as provided by law.

§ 73. But, a memorial of the will and letters testamentary or of letters of administration being first entered upon the register as herein provided, the executor or administrator may deal with mortgages, leases and other personal interests in or upon registered land as if he were the registered owner thereof.

§ 74. Where it appears by the will, a certified copy of which with the letters testamentary is filed as provided in this act, that registered land is devised to the executor to his own use, or upon some trust, the executor may have the land transferred to himself upon the register in like manner and subject to like terms and conditions and with like rights as in the case of a transfer pursuant to deed filed in the registrar's office.

§ 75. When the will of a deceased owner of registered land, or any estate or interest therein, empowers the executor to sell, convey, incumber, charge or otherwise deal with the land, it shall not be necessary for such executor to be registered as the owner, but a certified copy of the will and letters testamentary being filed as provided in this act, such executor may sell, convey, incumber, charge or otherwise deal with the land pursuant to the power in like manner as if he were the registered owner, subject to the like conditions as to the trust, limitations and conditions expressed in the will, as in case of trusts, limitations and conditions expressed in a deed.

§ 76. Before making distribution of undivided registered land the executor or administrator shall file in the registrar's office a certified copy of the proof of heirship made in the probate or county court, as the case may be, which shall be conclusive evidence in favor of all persons thereafter dealing with the land that the persons therein named as the only heirs at law of the deceased owner as such heirs.

§ 77. The court of probate may, for the purpose of distribution of the estate, order registered land, or any estate or interest therein, to be sold by the executor or administrator, and upon the filing of a certified copy of the order of sale and order of confirmation of the

sale, and the deeds in pursuance of the same, in the registrar's office, a transfer of the land, estate or interest to the purchaser may be made upon the register, as, in the case of other sales, by deed.

§ 78. Whenever, after the expiration of the time fixed for the adjustment of claims against the estate of the deceased, and after proof of heirship, it shall be made to appear to the court of probate that the estate will justify it, the court may direct the executor or administrator to make over and transfer to the devisees or heirs, or some of them, in anticipation of the final distribution, a portion or the whole of the registered lands to which they might be entitled on final distribution. And upon the filing of a certified copy of such order in the registrar's office, the executor or administrator may cause such transfer to be made upon the register in like manner, as in case of a sale. The land so transferred shall be held free from all liens or claims against the estate. In the proceedings to procure such direction, such notice shall be given as the court of probate may direct.

§ 79. For the purpose of final distribution, the court of probate may determine the right of all persons in the registered lands, or any estate or interest therein of the deceased, declare and enforce the rights of devisees, heirs, persons entitled to dower and homestead and others, assign dower and homestead, and make partition and distribution according to the rights of the parties. The court may give direction to the executor or administrator as to the transfer of registered lands, and any estate or interest therein to the devisees or heirs, and may direct the transfer to be to several devisees or heirs or tenants in common, or otherwise, as shall appear to the court to be most convenient, consistently with the rights of the parties, or as the parties interested may agree.

DEALINGS OF ASSIGNEES, RECEIVERS, MASTERS, ETC.] § 80. Before an assignee for the benefit of creditors, receiver, master in chancery, special commissioner or other person appointed by court shall deal with or transfer registered land or any estate or interest therein, he shall file in the registrar's office a certified copy of an order of the court showing that such assignee, receiver, master in chancery, special commissioner or other person is authorized to deal with or transfer such land, estate or interest, and if it is in the power of such person, he shall present to the registrar the duplicate certificate of title; and thereupon the registrar shall enter upon the register and the duplicate certificate, if presented, a memorial thereof, with a reference to such order by its file number. In the case of a deed of the land to the assignee or receiver, the same shall be filed in the registrar's office as in other cases.

§ 81. Such memorial having been entered, the assignee, receiver, master in chancery, special commissioner or other person may, subject to the direction of the court, deal with or transfer such land as if he were the registered owner.

TAX SALES. § 82. The holder of any certificate of sale of registered land or any estate or interest therein for any tax, assessment or imposition shall, within three months after the date of sale, pre-

sent the same, or a sworn copy thereof, to the registrar, who shall thereupon enter on the register of the land a memorial thereof, stating the day of sale and the date of presentation, and shall also note upon the certificate of sale the date of presentation and the book and page of the register where the memorial is entered. The holder of such certificate shall also, within the same time, mail to each of the persons who appear by the register to have any interest in the land, a notice of the registration of such certificate. Unless such certificate is presented and registered and notice given as herein provided within the time above mentioned, the land shall be forever released from the effect of such sale, and no deed shall be issued in pursuance of such certificate. When it shall appear by the affidavit of the holder of the certificate filed with the registrar that the place of residence of any person interested in the land can not upon diligent inquiry be ascertained, the requirement of this section as to mailing notice shall not apply to such person.

§ 83. A tax deed of registered land or an estate or interest therein issued in pursuance of any sale for tax or assessment, made after the taking effect of this act, shall have only the effect of an agreement for the transfer of the title upon the register, and may be filed in the registrar's office, and a transfer effected as in case of other deeds of conveyance.

But no certificate of title shall be issued thereon, except upon the surrender and cancellation of the outstanding certificate of title, or upon the order of court as provided in section 88 of this act, and no such order shall be granted except upon petition to the court ordering the sale for the tax or assessment. No such order shall be granted except after personal service of notice upon all persons in possession of the premises, and notice either by personal services or by publication, as provided in proceedings in chancery, to all persons appearing upon the register to have any interest in the premises. And in case any minor heir, idiot or insane person is interested in the premises, no such order shall be granted until the expiration of the time to redeem the premises allowed by law to such minor heir, idiot or insane person shall have expired.

LES PENDENS—NOTICE.] § 84. No suit, bill or proceeding at law or in equity for any purpose whatever affecting registered land or any estate or interest therein, or any charge upon the same, shall be deemed to be *les pendens* or notice to any person dealing with the same, until a certificate of the pendency of such suit, bill or proceeding, under the hand and official seal of the clerk of the court in which it is pending, shall be filed with the registrar and a memorial thereof entered by him upon the register of the last certificate of the title to be affected. This section shall not apply to attachment proceedings when the officer making the levy shall file his certificate of levy as herein provided.

JUDGMENTS, ETC.] § 85. No judgment or decree or order of any court shall be a lien upon or affect registered land or any estate or interest therein until a certificate, under the hand and official seal of the clerk of the court in which the same is of record, stating the date

and purport of the judgment, decree or order, or a certified copy of such judgment, decree or order, is filed in the office of the registrar and a memorial of the same is entered upon the register of the last certificate of the title to be affected.

ATTACHMENT, EXECUTION, ETC.—LIENS.] § 86. Whenever registered land is levied upon by virtue of any writ of attachment, execution or other process, it shall be the duty of the officer making such levy to file with the registrar a certificate of the fact of such levy, a memorial of which shall be entered upon the register, and no lien shall arise by reason of such levy until the filing of such certificate and the entry in the register of such memorial, any notice thereof, actual or constructive, to the contrary notwithstanding.

§ 87. When any registered land is sold by virtue of any execution, judgment or decree, it shall be the duty of the sheriff, master in chancery, or other officer making such sale, instead of filing a duplicate of his certificate of such sale to be recorded in the recorder's office, to file the same with the registrar, and upon its being so filed the registrar shall enter a memorial thereof upon the register in the same manner as he is required to enter other memorials. Certificates of redemption shall be filed and noted upon the register in like manner.

§ 88. In case of sale of registered land by a sheriff, master in chancery, receiver, special commissioner or other officer or person pursuant to a judgment, decree or order of court, no transfer of the title shall be made by the registrar, except upon the surrender and cancellation of the outstanding certificate of title, or upon an order of the court filed with the registrar directing such transfer, and in case of the transfer of the fee, directing the cancellation of the outstanding certificate, and granting to the transferee a writ of assistance to put him in possession of the premises.

§ 89. In all cases where, by any law in relation to the liens of mechanics or others, any claim or notice is authorized to be filed in any court or office, the same, when it relates to registered land or any interest therein, may be filed in the registrar's office, and being so filed, a memorial thereof shall be entered by the registrar, as in the case of other charges, and proceedings to enforce the lien may be had, as provided in the act creating the same. Until it is so filed and registered, no such lien shall be deemed to have been created.

§ 90. No statutory or other lien shall be deemed to affect the title to registered land until after a memorial thereof is entered upon the register as herein provided.

§ 91. The certificate of the clerk of the court in which any suit, bill or proceeding shall have been pending, or any judgment or decree is of record, that such suit, bill or proceeding has been dismissed or otherwise disposed of, or the judgment, decree or order has been satisfied, released, reversed or overruled, or of any sheriff or other officer that the levy of any execution, attachment or other process certified by him, has been released, discharged or otherwise disposed

of, being filed in the registrar's office and noted upon the register, shall be sufficient to authorize the registrar to cancel or otherwise treat the memorial of such suit, bill, proceeding, judgment, decree or levy, according to the purport of such certificate.

MEMORIALS OF ADVERSE CLAIM, ETC.] § 92. Any person making any claim to or asserting any lien upon registered land not existing at the initial registry of the same and not shown upon the register, or adverse to the title of the registered owner, and no other provision is herein made for asserting the same in the registrar's office, may make affidavit thereof setting forth his interest, right, title, lien or demand, and how and under whom derived and the character and nature thereof. The affidavit shall state his place of residence and also his place of business, if he has one, and designate a place at which all notices relating thereto may be served. Upon the filing of such affidavit in the office of the registrar, the latter shall enter a memorial thereof as in the case of a charge.

PROCEEDINGS IN CHANCERY.] § 93. Whenever any person interested in registered land, or any estate or interest therein or charge upon the same, shall be entitled to have any certificate of title, memorial or other entry upon the register canceled, removed or modified, and the registrar or person whose duty it shall be to cancel, remove or modify the same, or do any act towards the same, shall, upon request, fail or refuse so to do, or is absent from the county, or can not be found, or for any reason such request can not be made upon him, a court of chancery may, upon petition by the person interested, make such order as may be according to equity in the premises, and upon a certified copy of such order being filed in the registrar's office, the registrar shall make such cancellation, memorial or modification as shall be decreed in such order.

§ 94. Any person feeling himself aggrieved by the action of the registrar, or by his refusal to act in any matter pertaining to the first registration of land or any estate or interest therein after the first registration or any transfer of or charge upon the same, the filing, or neglect or refusal to file any instrument, or to enter or cancel any memorial or notation, or to do any other thing required of him by this act, may file his bill or petition in equity in any court of competent jurisdiction, making the registrar and other persons, whose interest may be affected, parties defendant, and the court may proceed therein as in other cases in equity and make such order or decree as shall be according to equity in the premises and the purport of this act.

§ 95. Nothing contained in either of the two preceding sections shall be so construed as to remove the bar of any order or decree, or extend the time of limitation hereinbefore provided, nor to affect the right of any *bona fide* purchaser or incumbrancer without notice filed with the registrar and noted as in case of other memorials.

§ 96. The court may, in any case contemplated in sections 93 and 94, in addition to the costs, award such damages, including reasonable attorney's fees, as it shall deem just in the premises.

INDICES.] § 97. The registrar shall keep tract indices, in which shall be entered the lands registered in the numerical order of the townships, ranges, sections, and in cases of subdivisions, the blocks and lots therein, and the name of the owners, with a reference to the volume and *folium* of the register in which the lands are registered.

§ 98. He shall also keep alphabetical indices, in which shall be entered in alphabetical order the names of all registered owners and all other persons interested in or holding charges upon registered land, with a reference to the volume and *folium* of the register in which the land is registered.

INDEMNITY FUND.] § 99. Upon the first bringing of land under the operation of this act consequent upon the application of the owner, as hereinbefore provided, and upon the issuance of a certificate of title pursuant of [to] section eighty-three (83), and also upon the entry of a new certificate showing some one either by devise or by descent as registered owner, there shall be paid to the registrar one-tenth of one per cent. of the value of such land. Such value shall be ascertained by the registrar.

§ 100. All sums of money received as aforesaid shall be paid by the registrar to the county treasurer of the county in which the land is situated, for the purpose of an indemnity fund under the terms of this act. It shall be the duty of the treasurer to invest all of said funds, principal and income, in his hands, from time to time, if not immediately required for payments of indemnities in the manner herein provided, and report annually to the county court the condition and income thereof. All investments of the fund, or any part thereof, shall be made with the approval of said court by order entered of record. The said fund shall be invested only in the bonds or securities of the United States, or of this State, or counties, or other municipalities of this State.

PROCEEDINGS TO RECOVER COMPENSATION FOR LOSS OR DAMAGE.]

§ 101. Any person sustaining loss or damage through any omission, mistake or misfeasance of the registrar, or of any examiner of titles, or of any deputy or clerk of the registrar, in the performance of their respective duties under the provisions of this act, and any person wrongfully deprived of any land or any interest therein through the bringing of the same under the provisions of this act, or by the registration of any other person as owner of such land, or by any mistake, omission or misdescription in any certificate, or in any entry or memorandum in the register book, or by any cancellation, and who by the provisions of this act is barred or in any way precluded from bringing an action for the recovery of such land or interest therein, or claim upon the same, may bring an action at law against the treasurer of the county in which said land is situated for the recovery of damages to be paid out of the indemnity fund.

§ 102. If such action be for recovery for loss or damage arising only through any omission, mistake or misfeasance of the registrar, or of any examiner of titles, or any deputy or clerk of the registrar, in the performance of their respective duties under the provisions of

this act, then the county treasurer shall be the sole defendant to such action. But if such action be brought for loss or damage arising only through the fraud or wrongful act of some person or persons other than the registrar, his examiners of titles, deputies and clerks, or arising jointly through the fraud or wrongful act of such other person or persons and the omission, mistake or misfeasance of the registrar, his examiners of titles, deputies or clerks, then such action shall be brought against both the county treasurer and such person or persons as aforesaid. In all such actions where there are defendants other than the county treasurer, and damages shall have been recovered, no final judgment shall be entered against the county treasurer until execution against the other defendants shall be returned unsatisfied in whole or in part, and the officer returning the execution shall certify that the amount still due upon the execution can not be collected except by application to the indemnity fund. Thereupon, the court, being satisfied as to the truth of such return, may, upon proper showing, order the amount of the execution and costs, or so much thereof as remains unpaid, to be paid by the county treasurer out of the indemnity fund. It shall be the duty of the State's Attorney or the county attorney, if there be one of the county, to appear and defend all such suits.

TIME OF PROCEEDINGS LIMITED.] § 103. No action or proceeding for compensation for or by reason of any deprivations, loss or damage occasioned or sustained as provided in this act, shall be made, brought or taken, except within the period of ten years from the time when the right to bring or take such action or proceeding first accrued; except, that if at the time when such right of action first accrues, the person entitled to bring such action or take such proceeding is within the age of twenty-one years, or if a female, of the age of eighteen years, or insane, imprisoned or absent from the United States in the service of the United States or of this State, such person or any one claiming from, by or under him or her, may bring the action or take the proceeding at any time within two years after such disability is removed, notwithstanding the time before limited in that behalf has expired.

PENALTIES.] § 104. Whoever fraudulently procures or assists in fraudulently procuring, or is privy to the fraudulent procurement, of any certificate of title or other instrument, or of any entry in the register or other book kept in the registrar's office, or of any erasure or alteration in any entry in any said book, or in any instrument authorized by this act, or knowingly defrauds or is privy to defrauding any person by means of a false or fraudulent instrument, certificate, statement or affidavit, affecting registered land, shall be guilty of a misdemeanor and fined not exceeding five thousand dollars and imprisoned not exceeding five years, or either or both in the discretion of the court.

§ 105. (1) Whoever forges, or procures to be forged, or assists in forging, the seal of the registrar, or the name, signature, or handwriting of any officer of the registry office, in case where such officer is expressly or impliedly authorized to affix his signature; or



(2.) Fraudulently stamps or procures to be stamped, or assists in stamping, any document with any forged seal of said registrar; or

(3.) Forges or procures to be forged, or assists in forging, the name, signature or handwriting of any person whomsoever to any instrument which is expressly or impliedly authorized to be signed by such person; or

(4.) Uses any document upon which any impression or part of the impression of any seal of said registrar has been forged, knowing the same to have been forged, or any document the signature to which has been forged, knowing the same to have been forged, or swears falsely concerning any matter or proceeding made or done in pursuance of this act, shall be imprisoned in the penitentiary not exceeding ten years, or fined not exceeding one thousand dollars, or both fined and imprisoned, in the discretion of the court.

§ 106. No proceeding or conviction for any act hereby [declared] to be a misdemeanor or a felony shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity against the person who has committed such act or against his estate.

DOCKET FEES.] § 107. On the filing of any petition the petitioner shall pay to the clerk of the court the sum of \$5.00, which shall be in full of all clerk's fees and charges in such proceeding on behalf of the applicant. Any defendant on entering his appearance shall pay to the clerk the sum of \$5.00, which shall be in full of all clerk's fees on behalf of such defendant. When any number of defendants shall enter their appearance at the same time, or before default, but one fee shall be charged.

REGISTRAR'S FEES.] § 108. The fees to be paid to the registrar shall be as follows:

At or before the time of referring the application for initial registration, the applicant shall advance and pay to the registrar the sum of \$15, which shall be in full of all services of the registrar and examiners up to the granting of the certificate of title. In proper cases the court may direct the payment of such further fees by the applicant or any defendant as it may determine. When the application includes titles derived from more than one source, an additional sum of \$5 for each source shall be advanced.

For granting certificate of title upon each application and registering the same.....	\$2 00
For registering each transfer, including the filing of all instruments connected therewith, and the issue and registration of the new certificate of title.....	3 00
When the land transferred is held upon any trust, condition or limitation, an additional fee of.....	5 00
For entry of each memorial on the register, including the filing of all instruments and papers connected therewith and endorsements upon duplicate certificates.....	3 00

For filing copy of will with letters testamentary, or filing copy of letter of administration and entering memorial thereof.....	\$5 00
For the cancellation of each memorial or charge.....	1 00
For each certificate showing condition of the register.....	1 00

For any certified copy of register or any instrument of writing on file in his office, the same fees now allowed by law to recorders of deeds for like services.

§ 109. This act shall be construed liberally so far as may be necessary for the purpose of affecting its general intent.

SUBMISSION TO VOTE IN COUNTIES.] § 110. The provisions of this act shall not apply to land in any county until this act shall have been adopted by a vote of the people of the county at an election to be held on the Tuesday next after the first Monday in November, or the first Tuesday in April, or any election for the election of judges, of the year in which the question is submitted.

The question may be submitted in the following manner: In any county of the first or second class, as the same are classified in the act concerning "Fees and salaries," on the petition of not less than one-half of the legal voters, to be ascertained by the vote cast at the last preceding election for county officers, or in any county of the third class upon petition of not less than twenty-five hundred (2,500) legal voters praying the submission of the question of the adoption of this act, the clerk shall give notice that such question will be submitted at such election and shall cause to be printed at the top of the ballots to be used for said election:

For the Torrens Land Title System .....	
Against the Torrens Land Title System. ....	

The votes cast upon that question shall be counted, canvassed and returned as in the case of the election of county officers. If the majority of the votes cast on that subject shall be for the Torrens land title system, this act shall thereafter be in force and apply to lands in that county.

§ 111. WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED May 1, 1897.

## CORPORATIONS. 1897

## BUILDING, LOAN AND HOMESTEAD ASSOCIATIONS.

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| <p>§ 1. Amends sections 5, 6, 15 and 17 of the Act of 1879, as amended by the Acts of 1891 and 1893, and adds 22 new sections.</p> <p>§ 5A. Directors—Officers.</p> <p>§ 5B. Officers' bond.</p> <p>§ 5C. Power to borrow money.</p> <p>§ 5D. Matured shares.</p> <p>§ 6A. Capital to be accumulated.</p> <p>§ 6B. Withdrawals—Voluntary.</p> <p>§ 6C. Real estate as security.</p> <p>§ 6D. Withdrawals—Involuntary.</p> <p>§ 6E. Deceased members.</p> <p>§ 6F. Fees.</p> <p>§ 15. Annual report to Auditor—Penalties for not making or for making false or wrong reports.</p> <p>§ 17A. Auditor to appoint custodian.</p> <p>§ 17B. Special meeting of stockholders.</p> | <p>§ 17C. Custodian to take possession of books, records, etc.</p> <p>§ 17D. Reorganization.</p> <p>§ 17E. Voluntary liquidation.</p> <p>§ 17F. Auditor to make report to Attorney General.</p> <p>§ 19. Associations may reorganize or go into voluntary liquidation by the votes of its shareholders.</p> <p>§ 20. Duty of board of directors.</p> <p>§ 21. Assets and liabilities.</p> <p>§ 22. Voting—Adoption of resolution to reorganize or liquidate.</p> <p>§ 23. Vacancy in office of board of directors—Election of new board.</p> <p>§ 24. Record of proceedings.</p> <p>§ 25. Receivers.</p> <p>§ 26. Apportionment of profits.</p> <p>§ 27. Contingent fund.</p> |
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AN ACT to amend an act entitled "An act to enable associations of persons to become a body corporate to raise funds to be loaned only among the members of such association," in force July 1, 1879, as amended by acts approved June 17, 1887, in force July 1, 1887; June 19, 1891, in force July 1, 1891; June 19, 1893, in force July 1, 1893, by amending sections five (5), six (6), fifteen (15), and seventeen (17), and by adding thereto twenty-two new sections to be numbered five (5) B, five (5) C, five (5) D, six (6) B, six (6) C, six (6) D, six (6) E, six (6) F, seventeen (17) B, seventeen (17) C, seventeen (17) D, seventeen (E), seventeen (17) F, nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26) and twenty-seven (27).

Be it enacted by the People of the State of Illinois, represented in the General Assembly: That, an act entitled "An act to enable associations of persons to become a body corporate to raise funds to be loaned only among the members of such association, in force July 1, 1879, as amended by acts approved June 17, 1887, in force July 1, 1887; June 19, 1891, in force July 1, 1891; June 19, 1893, in force July 1, 1893," be and the same is hereby amended by amending sections five (5), six (6), fifteen (15) and seventeen (17), and by adding thereto twenty-two new sections to be known as sections five (5) B, five (5) C, five (5) D, six (6) B, six (6) C, six (6) D, six (6) E, six (6) F, seventeen (17) B, seventeen (17) C, seven-

teen (17) D, seventeen (17) E, seventeen (17) F, nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), all of of which shall read as follows, to-wit:

§ 5A. DIRECTORS—OFFICERS.] The corporate powers shall be exercised by a board of directors of not less than seven in number, all of whom shall be *bona fide* residents of the State of Illinois.

The officers shall consist of a president, vice president, secretary and treasurer, to be elected at the annual meeting of the directors.

The duties of the officers, their term of office, the time and manner of their election, the manner of filling vacancies, the time of holding periodical meetings of the officers and shareholders, the manner of calling all special meetings not provided for in this act, and manner of voting, shall be determined by the by-laws, when not provided in this act, and unless the compensation of the secretary and treasurer shall be provided for in the by-laws, the directors shall annually fix and determine the same.

§ 5B. OFFICERS' BOND.] Every person appointed or elected to any position requiring the receipt, payment, management or use of money belonging to such association shall become bounden with two or more good and sufficient sureties, or in some good and responsible fidelity insurance company, in such sum as the directors shall require and approve. Such bonds shall be executed annually and shall be recorded on the secretary's record, and such bond or insurance policy shall be filed with the Auditor of Public Accounts of this State within ten days next after the approval thereof by the board of directors, and the fee for filing the same shall be one dollar. Such bond shall be sufficient in amount to protect the association from loss by reason of malfeasance in office or failure to faithfully perform and discharge the duties of his position. No officer or employé who is required to give bond shall be deemed qualified to enter upon the discharge of his duties until his bond shall have been approved by a majority of the board of directors by a written endorsement thereon and filed with the Auditor of Public Accounts as herein required.

§ 5C. POWER TO BORROW MONEY.] The directors shall have power to borrow money for such temporary uses and purposes of the association as the exigencies of the business may demand and as are not inconsistent with the objects of the association; but no money shall be borrowed for the purpose of making advances. To secure such loans the directors may cause the obligation or obligations of the association to be issued therefor, bearing interest at not to exceed the legal rate. No such loan or loans shall have a longer duration than one year, nor shall the aggregate amount of such outstanding indebtedness at any one time exceed five per centum of the assets of the association. Before any money shall be borrowed the board of directors shall first, by a majority vote of all members, pass and record a resolution to that effect.

§ 5D. **MATURED SHARES.]** When the directors shall have declared any shares to have reached maturity, the owners thereof shall be entitled to receive such maturity value, with such interest, not exceeding the legal rate, as the directors may determine, from the time of maturity until paid: *Provided*, that at no time shall the aggregate amount of such shares outstanding exceed ten per centum of the assets of the association.

§ 6A. **CAPITAL TO BE ACCUMULATED.]** The capital to be accumulated shall be divided into shares having a maturity value of one hundred dollars each. The shares shall be deemed to be personal property in the hands of the members, transferable upon the books of the association in the manner provided in the by-laws. The shares may be issued in such periodical series, and at such time or times as the by-laws shall designate; and the shares in each series may, if the by-laws shall so provide, be subdivided into classes, each class having a different fixed periodical payment of dues of not to exceed the sum of two dollars per share per month. Every share shall be subject to a lien for the payment of unpaid installments and such other charges as may be lawfully incurred thereon under the provisions of this act, and the by-laws may prescribe the manner of enforcing such lien. The payment of such dues shall continue on each share until the same shall have reached maturity value or is withdrawn or retired. All shares which shall have matured, or shall have been withdrawn or retired, may be reissued in any subsequent series.

§ 6B. **WITHDRAWALS—VOLUNTARY.]** Any member desiring to withdraw installment shares from any association doing business in this State shall have power to do so by giving thirty days' notice of such intention to withdraw, when such member shall be entitled to receive the full amount of dues paid in on the shares sought to be withdrawn, and such interest thereon as fixed in the by-laws, and in addition thereto such proportion of the profits apportioned thereto as the board of directors may from time to time, by resolution, determine, less such charges of the character enumerated in this act as may be due thereon: *Provided*, that the amount of such interest or profits paid on withdrawals shall not exceed the actual rate of earnings of the association: *Provided further*, that at no time shall more than one-half of the funds in the treasury of the association be applicable to the demands of withdrawing members or the payment of matured shares without the consent of the board of directors: *Provided further*, that any member having pledged his or her shares as security for an advance without other security may withdraw the same and receive the evidence of indebtedness given for such advance and such balance in cash, if any, as may be to the credit of such shares, but such withdrawal shall be subject to the same regulations in all other respects as in the case of shares not pledged.

§ 6C. Any member who shall have obtained an advance on his shares and shall have given real estate as security may, at any time, repay the same. On settlement, such member shall be charged with the full amount of such advance, together with any and all arrearages due thereon; or on the shares pledged, or appertaining to the

security given, and shall, thereupon, be allowed as a credit, the withdrawal value of the shares pledged as security, together with such other credits as may be returnable on account thereof, and the balance shall be received by the association in full settlement and discharge of such advance: *Provided*, that all settlements made in periods intervening between stated monthly meetings of the directors shall be made as of the date of the stated monthly meeting next succeeding any such settlement.

§ 6D. WITHDRAWALS--INVOLUNTARY.] The directors may, in their discretion, under rules made by them in conformity with the by-laws, retire the unpledged shares of any series, in the order of the issue of such series, by enforcing withdrawals of the same, and the owners shall be paid the full value of their shares as determined at the last preceding distribution of profits, together with all dues paid since such distribution less any unpaid fines: *Provided*, that all shares which have reached matured value, and that may be outstanding, shall be first retired under the provisions of this act.

§ 6E. DECEASED MEMBERS.] Upon the death of a shareholder, his legal representatives shall be entitled to receive the voluntary withdrawal value of the unpledged shares of the deceased. No fines shall be charged or profits credited to a deceased member's shares from and after his decease, unless his legal representatives assume the future payments of such shares.

§ 6F. A membership fee and a transfer fee, neither of which shall exceed twenty-five cents per share, may be charged, and all fees shall be accounted for as a part of the receipts of the association. Any association may impose a penalty for the non-payment of dues, interest and premium at the time they shall fall due, which penalties shall in no case exceed the sum of ten cents per share per month, and it shall not be permissible to either compound or cumulate such penalties.

§ 15. ANNUAL REPORT TO AUDITOR--PENALTIES FOR NOT MAKING, OR FOR MAKING, FALSE OR WRONG REPORTS.] The secretary of every association doing business within this State shall, within sixty days next after the close of each fiscal year of such association, file with the Auditor of Public Accounts of the State of Illinois, with a fee of two dollars, a detailed statement of the receipts and expenditures of such association for one year next preceding the date of such report, its assets and liabilities, including in such liabilities all sums due for gross premium unearned, the number of shares issued, withdrawn, matured, retired and loaned on, during the year; the number of shares in force, number of shares loaned upon, installments per share, profits per share, and the value per share, in each series at the date of such statement, which statement shall be in such form as shall be prescribed by the Auditor. Such statement shall exhibit in full, each, all and every, of the receipts from whatsoever source received, and each, all and every, of the expenditures of such association, including all expenses of management. All of such statements shall be sworn to by the secretary before some officer authorized to

take acknowledgments of conveyances in this State, and certified to by three members of such association not officers thereof. Such statement, and also any other periodical statement, shall be either mailed to each shareholder or published in some paper regularly issued in the county in which such association is located within sixty days next after the same shall be compiled. Any secretary who shall wilfully neglect or refuse to file such statement, shall be subject to a fine of not less than twenty-five dollars nor more than two hundred dollars for each neglect or refusal to furnish such statement. The same may be recovered in any court having competent jurisdiction in the name of the People of the State of Illinois, on the relation of the said Auditor, for the benefit of the county wherein said association is located or in which such secretary may reside: *Provided*, that when any association shall at any time, by reason of its insolvency, be unable to pay the full face value of the withdrawals other than matured shares within ninety days after notice thereof is given, it shall be unlawful for said association to sell any new shares, and the secretary thereof shall forthwith report the same to the Auditor of Public Accounts, and a failure to comply with this provision shall be a misdemeanor on the part of the officer or officers whose duty it is made to sell such shares and collect such money. Such offense shall be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment in the county jail not to exceed sixty days.

§ 17A. Whenever it shall appear to the Auditor of Public Accounts that the assets of any association doing business in this State are impaired to the extent that such assets do not exceed the dues paid in on the shares, with interest thereon at the rate of three per centum per annum for the average time invested, or that it is conducting its business in a fraudulent, illegal or unsafe manner, he may at once, in either case, appoint a custodian for such association, and shall require of such custodian a good and sufficient bond with sureties to be approved by such Auditor.

§ 17B. The Auditor of Public Accounts, at the time of the appointment of a custodian for any association as herein provided, shall, within ten days next after having appointed such custodian, convene a special meeting of the shareholders for the purpose of considering and acting upon such matters as to such special meeting shall seem best. Notice of such special meeting shall be given in the manner and form provided in section 20 of this act for the calling of special meetings of shareholders. At such meeting said Auditor shall present a full report of the affairs and condition of such association, as found by him from his examination thereof, or as made to him by the custodian.

§ 17C. Such custodian, under the direction of the Auditor, shall take possession of the books, records and assets of every description of such association, and, pending the further proceedings specified in this act, shall prepare, or have prepared, a full and true exhibit of the affairs, property and condition of such association, including an

itemized statement of all its assets and liabilities; and shall receive and collect all debts, dues and claims belonging to it; and may, if necessary, by and with the consent and approval of the Auditor, pay the immediate and reasonable expenses of his trust, including his own compensation at not to exceed the sum of ten dollars per diem. Such custodian shall also receive and receipt for all monthly payments becoming due after the date of his appointment, and shall keep the same separate and apart from the other moneys and effects of such association.

§ 17D. If, at the special meeting of the shareholders, to be called as herein provided, the shareholders of such association shall vote to reorganize said association, then and in that case the said custodian shall, upon the consummation of the reorganization thereof, and when the said Auditor shall so order and direct, turn over to the new management all the books, papers and effects of every description in his hands belonging to such association.

§ 17E. If, at the special meeting of the shareholders, to be called and held as herein provided, such shareholders shall vote to go into voluntary liquidation, or to otherwise close up or discontinue the business of such association, such custodian shall, when the said Auditor shall so order and direct, return to the shareholders all monthly payments received and receipted for by him, and which became due and payable after the date of his appointment; and all books, papers and effects of every description in his hands belonging to such association not so returnable, shall, when the Auditor shall so order and direct, be turned over and delivered to the person or persons entitled thereto.

§ 17F. If the Auditor of Public Accounts, after having called a meeting of the shareholders as in this act provided, shall find that the association can not be reorganized, or that voluntary liquidation by the shareholders can not be had or consummated, he shall report the same to the Attorney General, whose duty it shall then become to at once apply to the circuit court of the county in which the principal office of such association may be located, or to any of the judges of said court in vacation, in the name of the People of this State, on the relation of said Auditor, for an injunction restraining such association from doing further business, and for the appointment of a receiver of such association, and for the dissolution of such association, which application may be made and granted either in term time or in vacation of said court in the manner now provided for obtaining injunctions, and said cause shall thereupon proceed as other cases in chancery.

§ 19. Any association may reorganize or go into voluntary liquidation by the votes of its shareholders owning at least two-thirds of the shares in force at the time such vote is taken. Whenever such shareholders shall desire to reorganize or to go into voluntary liquidation, it shall be the duty of the board of directors of such association, or of a committee of shareholders appointed for the purpose,



to submit the question of such reorganization or voluntary liquidation to a vote of the shareholders at a special meeting of such shareholders to be called and held as herein provided.

§ 20. Whenever a meeting of the shareholders is to be called for the purpose aforesaid, it shall be the duty of the board of directors, or of said committee, to convene a special meeting of the shareholders at the principal office of the association at such time as such directors or committee shall fix and determine. Notice of such meeting shall be given to every member of the association by depositing in the postoffice, at least ten days before the time fixed for such meeting, a notice properly addressed to each shareholder at the last recorded address of such shareholder. The directors or committee shall also cause a notice of such meeting to be certified to the Auditor of Public Accounts at the same time that notice is given to the shareholders.

§ 21. Such directors or committee shall prepare, or have prepared, a full and true exhibit of the affairs, property and condition of such association, including an itemized statement of its assets and liabilities, which exhibit shall be sworn to by a majority of said directors, or of said committee, before some officer authorized to take acknowledgments of conveyances in this State, such exhibit and report to be printed and a copy thereof mailed along with the notice convening such special meeting. Such original exhibit, sworn to as herein provided, shall be filed with the Auditor of Public Accounts of this State, along with a notice of such meeting at the same time that they are mailed to the shareholders.

§ 22. VOTING—ADOPTION OF RESOLUTION TO REORGANIZE OR LIQUIDATE.] At such special meeting all votes taken shall be by ballot, and votes of its shareholders owning at least two-thirds of its shares in force at the time such vote is taken shall be necessary to carry any resolution for the reorganization or liquidation of such association; and if, at such meeting, said shareholders shall, in the manner herein provided, pass a resolution for the reorganization or liquidation of such association, a copy of such resolution, duly certified by the presiding officer and secretary of such meeting, shall be given to, and shall continue [contain] full instructions, and define the authority and compensation of the party or parties to be named therein, to answer and discharge the duties entrusted to them by such resolution; and a like duly certified copy of such resolution, instructions and authority shall immediately be filed with the Auditor of Public Accounts by the party or parties named in such resolution, before they shall enter upon the discharge of their trust. Before the party or parties named in any such resolution shall assume the duties of their trust, they shall become bounden with two or more good and sufficient sureties, or in some good and responsible fidelity insurance company, in such sum as the Auditor of Public Accounts of this State shall require and approve.

§ 23. At such special meeting the shareholders, by a majority vote of the shares in force at the time such vote is taken (cast by

ballot), may declare vacant the office of the entire board of directors, and of all officers of such association, and may at the same time proceed to the election of a new board of directors, who, in the absence of a special committee being named in the resolution to be adopted by the shareholders as hereinbefore in section 22 provided, shall have the charge and direction of the reorganization or the liquidation of the affairs of such association.

§ 24. Upon the completion, by the person or persons named in the aforesaid resolution, passed at such special meeting of shareholders, of the duties entrusted to them in such resolution, they shall cause a complete record of all proceedings to be made, reciting therein the adoption of the resolution to that effect, which shall also show that all claims, demands and debts for or against the association have been fully settled, the corporate liabilities completely discharged, and the corporate assets and property distributed among all the persons entitled thereto. Said report and record shall be filed in the office of the auditor of public accounts, and a notice of such dissolution published for three successive weeks in any newspaper published in the county wherein the principal office of such association is located, and upon the filing of such report, and making publication as aforesaid, such association shall be deemed dissolved.

§ 25. Receivers may also be appointed, whenever nine or more shareholders of any association shall file a petition in the circuit court of the county in which the principal office of such association is located, setting forth the facts relied upon for the appointment of a receiver. Such petition shall be subscribed and sworn to by such petitioners, and shall be accompanied by a good and sufficient bond conditioned for the payment of all fees, expenses and attorney's fees incident to such proceeding or proceedings in the event the allegations set forth in the petition shall not be sustained, the amount of such bond, and the sureties thereof, shall be approved by the court, and the cause shall thereupon proceed as other causes in equity.

§ 26. APPORTIONMENT OF PROFITS.] The profits and losses of associations doing business in this State shall be apportioned at least annually, and as much oftener as the by-laws shall provide.

§ 27. CONTINGENT FUND.] At each periodical apportionment of profits the directors shall reserve as a guaranty or contingent fund a sum not less than one per centum nor more than five per centum of the net profits accruing since the last prior preceding apportionments until such fund amounts to five per centum of the dues capital; which fund shall at all times thereafter be maintained and held at not less than said five nor more than ten per centum of the dues capital; and said fund shall at all times be available to meet losses in the business of the association from depreciation of its securities or otherwise.

APPROVED June 16, 1897.

## FOREIGN CORPORATIONS.

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| <p>§ 1. Foreign corporations to maintain a public office or place in this State, for the transaction of its business.</p> <p>§ 2. Copy of articles of incorporation to be filed in the office of the Secretary of State—Incorporating taxes and fees to be paid into the office of the Secretary of State.</p> | <p>§ 3. Liable to a fine of \$1,000—Duties of the Secretary of State.</p> <p>§ 4. Act does not apply to insurance companies—Repeal.</p> |
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*AN ACT to require every foreign corporation doing business in this State to have a public office or place in this State at which to transact its business, subjecting it to a certain condition, and requiring it to file its articles or charter of incorporation with the Secretary of State, and to pay certain taxes and fees thereon.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Every corporation for pecuniary profit formed in any other state, territory or country, before it shall be authorized or permitted to transact business in this State, or to continue business therein, if already established, shall have and maintain a public office or place in this State for the transaction of its business, where legal service may be obtained upon it and where proper books shall be kept to enable such corporation to comply with the constitutional and statutory provisions governing such corporations; and such corporation shall be subjected to all the liabilities, restrictions and duties which are or may be imposed upon corporations of like character organized under the general laws of this State, and shall have no other or greater powers. And no foreign corporation established or maintained in any way for pecuniary profit of its stockholders or members shall engage in any business other than that expressly authorized in its charter, or the law of this State under which it may come, or shall it hold any real estate except such as may be necessary and proper for carrying on its legitimate business. And no corporation incorporated under the laws of any other state, territory or country, doing business in this State, shall be permitted to mortgage, pledge or otherwise encumber its real or personal property situated in this State to the injury or exclusion of any citizen or corporation of this State who is a creditor of such foreign corporation. And no mortgage by any foreign corporation, except railroad and telegraph companies, given to secure any debt created in any other state, shall take effect as against any citizen or corporation of this State, until all its liabilities due to any person or corporation in this State at the time of recording such mortgage have been paid and extinguished.

§ 2. Every company incorporated for purposes of gain under the laws of any other state, territory or country, now or hereafter doing business within this State, shall file in the office of the Secretary of State a copy of its charter or articles of incorporation, or in case such company is incorporated merely by a certificate, then a copy of its certificate of incorporation, duly certified and authenticated by the proper authority; and the principal or agent in Illinois of the said corporation shall

make and forward to the Secretary of State, with the articles or certificates above provided for, a statement duly sworn to of the proportion of the capital stock of the said corporation which is represented by its property located and business transacted in the State of Illinois; and such corporation shall be required to pay into the office of the Secretary of State of this State, upon the proportion of its capital stock represented by its property and business in Illinois, incorporating taxes and fees equal to those required of similar corporations formed within and under the laws of this State. Upon a compliance with the above provisions by said corporation, the Secretary of State shall give a certificate that said corporation has duly complied with the laws of this State and is authorized to do business therein, stating the amount of its entire capital and of the proportion thereof which is represented in Illinois; and such certificates shall be taken by all courts in this State as evidence that the said corporation is entitled to all the rights and benefits of this act, and such corporation shall enjoy those rights and benefits for the time set forth in its original charter or articles of association, unless this shall be for a greater length of time than is contemplated by the laws of this State, in which event the time and duration shall be reckoned from the creation of the corporation to the limit of time set out in the laws of this State: *Provided*, that nothing in this act shall be taken or construed into releasing foreign loan, building and loan, or bond investment companies, or other corporations, on the partial payment or installment plan, from any provisions of law requiring them to make a deposit of money with a proper officer of this State to protect from loss the citizens of this State who may do business with such loan, building and loan or bond investment companies, or other corporations: *Provided*, that the requirement of this act to pay incorporating tax or fee shall not apply to railroad companies which have heretofore built their line of railway into or through this State: *And, provided further*, that the provisions of this act are not intended to, and shall not, apply to "drummers" or traveling salesmen soliciting business in this State for foreign corporations which are entirely non-resident.

§ 3. Every corporation for pecuniary profit formed in any other state, territory or country, now doing business in, or which may hereafter do business in, this State, which shall neglect or fail to comply with the conditions of this law, shall be subject to a fine of not less than \$1,000, to be recovered before any court of competent jurisdiction; and it is hereby made the duty of the Secretary of State, immediately after September 1, of the year 1897, and as often thereafter as he may be advised that corporations are doing business in controvention to this act, to report the fact to the prosecuting attorney of the county in which the business of such corporation is located, and the prosecuting attorney shall, as soon thereafter as is practicable, institute proceedings to recover the fine herein provided for, which shall go into the revenue fund of this State, in addition to which penalty on and after the going into effect of this act, no foreign corporation, as above defined, which shall fail to comply with this act, can maintain any suit or action, either legal or equitable, in any of the courts of this State upon any demand, whether arising out of contract or tort: *Provided*, that the provisions

of this section shall not apply to railroad and telegraph companies which have heretofore built their line into or through this State, nor to "drummers" or traveling salesmen soliciting business in this State for foreign corporations which are entirely non-resident.

§ 4. This act does not apply to insurance companies, and is not to be taken or construed to change or modify the laws which are directly applicable to that character of corporations, but apart from the insurance laws all acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED May 26, 1897.

FOREIGN CORPORATIONS TO LOAN MONEY IN ILLINOIS.

- § 1. Corporations formed under laws of other States or countries may invest or loan money in this State—Powers—Restriction as to real estate.

*AN ACT to enable corporations in other states and countries to lend money in Illinois, to enforce their securities and acquire title to real estate as security.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any corporation formed under the laws of any other state or country, and authorized by its charter to invest or loan money, may invest or loan money in this State. And any such corporation that may have invested or lent money as aforesaid, may have the same rights and powers for the recovery thereof, subject to the same penalties for usury, as private persons, citizens of this State; and when a sale is made under any judgment, decree or power in a mortgage or deed, such corporation may purchase, in its corporate name, the property offered for sale, and become vested with the title wherever a natural person might do so in like cases: *Provided, however,* that all real estate so purchased by any such corporation in satisfaction of any such liability or indebtedness shall be offered at public auction, at least once every year, at the door of the court house of the county wherein the same may be situated, or on the premises so to be sold, after giving notice thereof for at least four consecutive weeks in some newspaper of general circulation, published in said county; and if there be no such newspaper published therein, then in the nearest adjacent county where such newspaper is published; and said real estate shall be sold whenever the price offered for it is not less than the claim of such corporation, including all interest, costs and other expenses: *And, provided further,* that in case such corporation shall not, within the period of five years after acquiring such title, sell such lands, either at public or private sale, as aforesaid, it shall be the duty of the State's Attorney to proceed by information, in the name of the People of the State of Illinois, against such corporation in the circuit court of the county within which such land, so neglected to be sold, shall be situated, and such court shall have jurisdiction

to hear and determine the fact, and to order the sale of such land or real estate, at such time and place, subject to such rules, as the court shall establish.

The court shall tax, as the fees of the State's Attorney, such sum as shall be reasonable; and the proceeds of such sale, after deducting the said fees and costs of proceedings, shall be paid over to such corporation: *And, provided further*, that nothing in this act contained shall be so construed as to confer banking powers or privileges upon any such corporation.

APPROVED May 24, 1897.

#### GAS COMPANIES.

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| § 1. Companies empowered to sell, transfer, convey or lease their real and personal property, rights, franchises, etc.  | § 8. Certificate of sale, purchase, lease or consolidation and merger to be filed in the office of the Secretary of State and in the office of the recorder of deeds. |
| § 2. Consolidation.   | § 9. Consolidated companies to perform legal obligations.   |
| § 3. Distribution of gas.   | § 10. Consolidation and merger not to be held or construed as a violation of the provisions of any ordinance or bond.   |
| § 4. Consolidation—how made.  | § 11. Regulates the price of gas.   |
| § 5. Agreement for sale, purchase, lease or for consolidation and merger, submitted to an annual or special meeting of the stockholders of each of the companies. | § 12. Penalty.  |
| § 6. Stockholders to vote in person or by proxy—number of votes necessary.  |   |
| § 7. Stockholders not acquiescing in agreement to sell or consolidate to give notice of their dissent within thirty days—rights of eminent domain.                |   |

#### AN ACT in relation to gas companies.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all gas companies now organized, or hereafter to be organized, in this State, are hereby authorized and empowered to sell, transfer and convey or lease their real and personal property, rights, franchises and privileges, in whole or in part, to any other gas company doing business in the same city, town or village, and such other gas company is authorized to purchase or lease and to hold and enjoy said property.

§ 2. It shall be lawful for any gas companies now organized, or hereafter to be organized, in this State, doing business in the same city, town or village, to consolidate and merge into a single corporation, which shall be one of said merging and consolidating corporations, by complying with the provisions of this act, as hereinafter specified.

§ 3. All gas companies which are authorized to manufacture and distribute illuminating gas shall have the power to manufacture and distribute gas for fuel purposes and to distribute natural gas, and all companies authorized to distribute gas in any city, town or village shall have the power to distribute the same in any territory annexed to such city, town or village.

§ 4. The purchase and sale or lease, or the consolidation and merger, hereby authorized may be made in the manner following: The respective boards of directors or trustees of the company or companies proposing to sell and lease its or their property, and of the company proposing to purchase or lease the same, as under section 1, or of the companies proposing to consolidate and merge into a single corporation, as under section 2, may enter into and make an agreement or agreements, under their respective corporate seals, for such sale or purchase or lease, or for such consolidation and merger, describing the terms and conditions thereof and the mode of carrying the same into effect.

§ 5. Before taking effect the agreement or agreements for sale and purchase or lease, or for such consolidation and merger, authorized by this act, shall be submitted to any annual meeting or to a special meeting of the stockholders of each of the companies. Such special meeting shall be called by delivering personally, or depositing in the postoffice, at least thirty days before the time fixed for such meetings, a notice addressed to each stockholder of the company whose address is known to the secretary of the company, signed by a majority of the directors or trustees of the company, stating the time, place and object of such meeting. Such stockholders whose addresses shall be to the secretary unknown shall be notified by a general notice of the time, place and object of such meeting by publication once a week, for three successive weeks, in some newspaper printed in the county in which the principal business office of such company is located.

§ 6. At any such annual or special meeting stockholders may vote in person or by proxy, each stockholder being entitled to one vote for each share of stock held by him, and at such meeting there shall be submitted the proposed agreement or agreements. Votes representing two-thirds of all the outstanding capital stock of each company shall be necessary for the ratification of such agreement, or agreements, if there be represented and is voted at such meeting in person, or by proxy, not less than two-thirds of such outstanding capital stock. If less than two-thirds of such capital stock be represented and voted at such meeting, and if there be presented at such meeting the acknowledgements in writing of the receipt of notice of such meeting from the owners of stock not represented and voted to such an amount as would make not less than two-thirds of such outstanding capital stock when added to the stock represented and voted, then such agreement or agreements may be ratified by the vote of two-thirds of the capital stock represented and voted at such meeting.

§ 7. If any stockholder of any of the companies, parties to the agreement or agreements provided for in section 4, not voting in

favor of or not acquiescing in such agreement or agreements, objects to the purchase or lease, or the consolidation and merger, as defined in said agreement or agreements, he shall give notice of his dissent within thirty days of such meeting and may demand payment for his stock, and shall thereupon receive from such corporation in which he shall hold stock its fair cash value, at the time when the vote for the agreement or agreements was so cast, and such corporation shall cancel the same. But if such dissenting stockholder shall refuse to part with his stock, or if the value of the same can not be agreed upon, then such corporation shall, within ninety days of the time of said meeting, proceed to take and acquire the same and the interest of said dissenting stockholder therein, by the exercise of the power and right of eminent domain, hereby granted to such corporation for that purpose, and paying to, or tendering to, such dissenting stockholder, or to the county treasurer for his use, the value of the stock by him held, such value to be ascertained as of the time aforesaid and to be found and determined in the manner provided for the condemnation of property for public use in the act entitled "An act to provide for the exercise of the right of eminent domain." Any stock so acquired shall be canceled by the company acquiring the same. If such stockholder shall not give notice of his dissent within thirty days, as aforesaid, he shall be held to have acquiesced in the agreement aforesaid and shall be subject thereto.

§ 8. If the agreement or agreements aforesaid shall be approved at each of such meetings of the respective stockholders of each company separately, in the manner herein described, the same shall be the agreement or agreements of such companies respectively, and a sworn copy of the proceedings of such meetings, made by the secretaries thereof, respectively, shall be presumptive evidence of the holding and actions of such meetings. A certificate of such sale and purchase or lease, or of such consolidation and merger, shall be made by the president of each of the companies, under the seal of the company, and verified by his affidavit, and shall be filed in the office of the Secretary of State and of the recorder of deeds in the county where such companies carry on their business, whereupon the agreement or agreements aforesaid shall be in full force and effect. The companies, parties to the agreement or agreements, which provide for consolidation and merger shall thereupon be and are hereby declared to be consolidated and merged into the one corporation specified in such agreement or agreements. Upon the purchase or lease or consolidation and merger hereby authorized being perfected, a notice thereof shall be published in some newspaper in the county in which the principal office of such corporation is located for three successive weeks.

§ 9. Any corporation purchasing or leasing the real and personal property of any other company or companies, as provided for in section 1, or any consolidated corporation, as authorized by section 2, shall be subject to and shall perform, for each of the companies so entering into said agreement or agreements, the legal obligations now resting upon each of them, respectively, under their respective



charters and ordinances, except where the provisions thereof conflict with the exercise of the powers herein granted, in the same manner and to the same extent as if the companies had remained individual and distinct; and such performance by said corporation so purchasing or leasing, or by such consolidated corporation, shall be held and considered as the performance by each of the respective companies so selling, leasing or consolidating, of the legal obligations theretofore resting upon each of them respectively: *Provided, however,* that nothing in this act shall be construed as extinguishing said companies entering into the agreement or agreements mentioned in this act, or annulling or impairing any of their respective franchises, licenses or privileges, but they shall severally be regarded as still subsisting, so far as their continuance for the purpose of upholding any right, title or interest, power, privilege or immunity ever exercised or enjoyed by any of them, may be necessary for the protection of their respective creditors or mortgagees, or any of them; the separate exercise of their respective powers, and the separate enjoyment of their separate privileges and immunities being suspended until the protection of such creditors or mortgagees shall require their resumption, when such suspension shall cease, so far as, and for such time as, the protection of such creditors or mortgagees may require.

§ 10. The purchase and sale or lease, or the consolidation and merger authorized by this act, shall not be held or construed as a violation of the provisions of any ordinance or bond given thereunder, and shall in no way affect suits pending in which such company or companies shall be parties, and shall not affect causes of action or rights of individuals in any particular. In case the property sold and purchased or leased, or acquired through consolidation and merger, under this act, is subject to mortgage or other lien, such mortgage or other lien shall be and remain a lien upon all properties so sold and purchased or leased, or acquired as aforesaid, so that the same shall be liable for and respond to the payment of such mortgage or other lien existing at the time of such sale or lease, or consolidation and merger, before being liable for the payment of the debts and liabilities of the company so purchasing or leasing such property, or acquiring the same as aforesaid. Any corporation purchasing or leasing the real and personal property of any other company or companies as provided for in section 1, or any consolidated corporation, as authorized by section 2, shall pay and discharge all debts and liabilities of each of the companies so entering into said agreement or agreements, and actions may be brought and maintained and recovery had therefor against the company so purchasing or leasing, or against such consolidated corporation.

§ 11. Any corporation purchasing or leasing the property of any company or companies, or into which any company or companies are consolidated and merged under this act, shall be, at the time of availing itself of or accepting the benefits of this act, in the actual business of furnishing gas to consumers; and shall be subject to the following provisions:

Such corporation shall not increase the price charged by it for gas of the quality furnished to consumers during any part of the year immediately preceding such purchase or lease or such consolidation and merger.

Such corporation shall furnish gas to consumers as good in quality as it furnished previous to such purchase or lease or such consolidation and merger.

§ 12. Any company violating either of the provisions of the preceding section shall be liable in damages therefor to the person aggrieved, and shall, for each offense, forfeit two hundred dollars, to be recovered in an action of debt, in the name of the People of the State of Illinois, or by any person who may sue for the same. Such company shall also be liable to proceedings in *quo warranto* for violation of either of said provisions, and if adjudged guilty, the court may give judgment of ouster from its franchises, unless the company shall cease and discontinue such violation as and when determined by the court.

And any director or directors, officer or officers, or agent or agents, of such company who shall wilfully and knowingly violate, or be concerned in the willful violation of either of the provisions of the preceding section, shall, for each offense, forfeit one thousand dollars, to be recovered in an action of debt, in the name of the People of the State of Illinois.

APPROVED June 5, 1897.

#### NOT FOR PECUNIARY PROFIT.

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| <p>§ 1. Corporations not for pecuniary profit to pay a fee of \$10.00.</p> <p>§ 2. Notaries public to pay a fee of \$2.00 for commission.</p> | <p>§ 3. Repeal.</p> |
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*AN ACT to increase the fee for incorporating societies, corporations and associations not for pecuniary profit, and issuing commissions to notaries public.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all societies, corporations and associations not for pecuniary profit, hereafter organized under the laws of the State of Illinois, shall pay to the Secretary of State, before there shall issue a certificate of incorporation, a fee of \$10.00.

§ 2. That hereafter all persons, before they shall be commissioned a notary public, shall pay to the Secretary of State a fee of \$2.00.

§ 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

APPROVED June 3, 1897.

## SURETY COMPANIES.

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| <p>§ 1. Amends Act of 1887.</p> <p>§ 2. Bond, obligation or recognizance may be executed by a surety company.</p> <p>§ 3. Companies to have a fully paid-up, safely invested and unimpaired capital of \$250,000.</p> <p>§ 4. Superintendent of Insurance to issue a certificate.</p> | <p>§ 5. Bonds.</p> <p>§ 6. Estopped from denying the authority of the agent.</p> <p>§ 7. Actions how brought.</p> <p>§ 8. Repeal.</p> |
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*AN ACT to amend an act entitled "An act to enable corporations, created for that purpose, to transact a surety business in this State, and to become the surety on bonds required by law," approved May 13, 1887, in force July 1, 1887.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act to enable corporations, created for that purpose, to transact a surety business in this State, and to become the surety on bonds required by law," be, and the same is hereby, amended to read as follows:

§ 2. That whenever any bond, recognizance or other obligation is, by law or by charter, ordinances, rules or regulations of the State or of any municipality, board, body, organization, court, judge or public officer, required or permitted to be made, given, tendered or filed with surety or sureties, and whenever the performance of any act, duty or obligation, or the refraining from any act, is required or permitted to be guaranteed, such bond, obligation, recognizance or guaranty may be executed by a surety company qualified as herein-after provided; and such execution by such company of such bond, obligation, recognizance or guaranty shall be in all respects a full and complete compliance with every requirement of every law, charter, ordinance, rule or regulation that such bond, obligation, recognizance or guaranty shall be executed by one surety or by one or more sureties, or that such sureties shall be residents or householders or freeholders, or either, or both, or possess any other qualifications, and such company may be released from its liability on any such obligation on the same terms and conditions as are by law prescribed for the release of personal sureties.

§ 3. That such company, to be qualified to so act as surety or guarantor, must comply with the requirements of every law of this State applicable to such company doing business therein; must be authorized under the laws of the State, where incorporated, and under its charter, to become surety upon such bond, obligation, recognizance or guaranty; must have a fully paid-up and safely invested and unimpaired capital of at least two hundred and fifty thousand (250,000) dollars; must have good, available assets exceeding its liabilities, which liabilities, for the purpose of this act, shall be taken to be its capital stock, its outstanding debts and a premium reserve at the rate of fifty per centum of the current annual premiums on each outstanding bond, recognizance and obligation of like character in force; must file with the superintendent of insurance a certified

copy of its certificate of incorporation, a written application to be authorized to do business under this act, and shall, also, annually, during the month of January, file with the superintendent of insurance a statement verified under oath, made up to December 31st preceding, stating the amount of its paid-up cash capital, particularizing each item of investment, the amount of premiums upon existing bonds, recognizances and obligations of like character in force upon which it is surety, the amount of liability for the unearned portion thereof, estimated at the rate of fifty per centum of the current annual premiums on each such bond, recognizance and obligation in force, stating also the amount of its outstanding obligations of all kinds and such further facts as may be by the laws of this State required of such company in transacting business therein; and if such company be organized under the laws of any other State than this State, it must have on deposit with a State officer of one of the States of the United States not less than one hundred thousand (100,000) dollars in good securities, deposited with and held by such officer for the benefit of all the holders of its obligations; must also appoint an attorney in this State upon whom process of law can be served, which appointment shall continue until revoked or another attorney be substituted, and must file with the superintendent of insurance evidence of such appointment, which shall state the residence and the office of such attorney.

§ 4. That the superintendent of insurance, upon due proof by any such company of its possessing the qualifications in this act specified, shall issue to such company a certificate setting forth that such company has qualified and is authorized for the ensuing year to do business under this act, which said certificate shall be evidence of such qualification of such company, and of its authorization to become and be accepted as sole surety on all bonds, recognizances and obligations required or permitted by law or the charter, ordinances, rules or regulations of the State, or of any municipality board, body, organization or public officer, and the solvency and credit of such company for all purposes and its sufficiency as such surety.

§ 5. That any receiver, assignee, guardian, trustee, executor, administrator or other fiduciary, required by law or the order of any court or judge, to give a bond or other obligation as such, may include as a part of the lawful expense of executing his trust, such reasonable sum paid a company authorized under the laws of this State so to do, for becoming his surety on such bond as may be allowed by the court in which, or a judge before whom, he is required to account, not exceeding one per centum per annum on the amount of such bond.

§ 6. Any company which shall execute any bond as surety under the provisions of this act shall be estopped in any proceedings to enforce the liability, from denying the authority of the agent or officer executing such bond, and undertaking such liability by and on behalf of such company.

§ 7. All actions brought against any company or corporation organized or doing business under this act may be brought in any county where the cause of action occurred, [accrued,] or where the plaintiff or complainant resides, or in any county where the company or corporation does business, and process may be directed to any county in this State for service and return.

§ 8. That all acts and parts of acts inconsistent with this act be and they hereby are repealed.

APPROVED June 8, 1897.

#### TRUST COMPANIES.

§ 1. Amends sections 1, 2, 6 and 16 of the Act of 1889. | § 2. Deposits of money to be made to the Auditor of Public Accounts.

*AN ACT to amend section six (6) of an act entitled "An act to amend sections one (1), two (2), six (6) and sixteen (16) of an act entitled 'An act to provide for and regulate the administration of trusts by trust companies,' approved June 1, 1889."*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section six (6) of an act entitled "An act to amend sections one (1), two (2), six (6) and sixteen (16) of an act entitled an act entitled 'An act to provide for and regulate the administration of trusts by trust companies,' approved June 1, 1889," be and the same is hereby amended so as to read as follows:

SECTION 1. Each company in all cities and towns of 100,000 inhabitants or more, before accepting any such appointment or deposit, shall deposit with the Auditor of Public Accounts the sum of \$200,000, and each company in all cities and towns of less than 100,000 inhabitants shall deposit with the Auditor of Public Accounts the sum of \$50,000, said deposits to be for the benefit of the creditors of said company, and to consist of bonds of the United States or municipal bonds of this State, or in mortgages on improved and productive real estate in this State, being first liens thereon, and the real estate being worth at least twice the amount loaned thereon. Bonds and securities so deposited may be exchanged from time to time for other securities receivable as aforesaid. Said bonds of the United States or municipal bonds of this State to be registered in the name of said Auditor officially, and all said securities to be subject to sale and transfer and to the disposal of the proceeds by said Auditor only on the order of a court of competent jurisdiction and as hereinafter provided in section 18. So long as the company so depositing shall continue solvent, such company shall be permitted to receive from said Auditor the interest or dividends on said deposit.

*Provided, however,* that when it shall appear to the Auditor of Public Accounts, from the annual report of any such company, that the value of the personal property and cash held and possessed by

such company by virtue of the provisions of this act, and any amendment thereof, exceeds ten times the amount of the deposit aforesaid, he shall require said company, if in cities or towns of 100,000 inhabitants or more, to forthwith increase said deposit to the sum of \$500,000 in such securities, and in all cities and towns of less than 100,000 inhabitants, to forthwith increase its said deposit to the sum of \$125,000 in such securities. And whenever it shall appear to the Auditor of Public Accounts that the amount of personal property and cash so held by any such company has been reduced below ten times the value of its original deposit above provided for, and said company is not in any default in its duties and obligations hereunder, he shall allow such company to reduce its said deposits to the sum originally required in this section by the withdrawal of such additional deposits until such time as an increase in its holdings shall again require an additional deposit as hereinbefore provided. But this act shall not apply to taking or accepting mortgages or trust deeds to secure bonds or money loaned.

APPROVED May 7, 1897.

## COURTS, APPELLATE.

### APPELLATE COURTS.

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| <p>§ 1. Clerks to make report in writing to the Supreme Court.</p> <p>§ 2. Supreme Court to assign three judges of the Circuit Court to do duty in Appellate Court.</p> <p>§ 3. Branch Appellate Courts—rules—practice, etc.</p> <p>§ 4. Judges to choose from among their number a presiding judge—quorum.</p> | <p>§ 5. Judges outside of Appellate Court district not required to sit or serve.</p> <p>§ 6. Clerks.</p> <p>§ 7. Term of duty of judges shall be three years.</p> <p>§ 8. Emergency.</p> |
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AN ACT to amend an act entitled "*An act to establish Appellate Courts,*" approved June 2, 1877, and providing for the creation of branch Appellate Courts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The clerk of each Appellate Court shall report in writing to the Supreme Court, whenever so directed by the judges of the Appellate Court of which he is clerk, the number of cases docketed and pending and subject to hearing and determination at that term of said Appellate Court.

§ 2. Whenever the number of cases so reported as pending and subject to hearing and determination in any one of the Appellate Courts shall exceed the number of two hundred and fifty, and the justices of said Appellate Court, or a majority of them, shall so re-

quest the Supreme Court in writing, it shall be the duty of the Supreme Court to forthwith designate and assign three other judges of the Circuit Courts of the State to duty in said Appellate Court; and the three additional judges so designated and assigned shall, as soon as practicable, meet, organize and constitute a branch of the Appellate Court to which they shall have been assigned to duty; and the branch court so constituted shall proceed to hear and determine, according to law and justice and the rules of said Appellate Court, all such causes and matters as shall or may be docketed and pending for hearing and determination at said term in said court, not exceeding one-half in number thereof, as said Appellate Court may by order designate and assign to said branch court.

§ 3. The said branch courts so constituted shall be severally known as the branch of the Appellate Court within and for the districts in which they may be constituted, and all determinations, orders, judgments and decrees of said branch courts, in cases so assigned to them by said Appellate Court, shall be entered upon the records of the Appellate Court to which the branch appertains as determinations, orders, judgments and decrees of that Appellate Court. The process, pleading, practice and procedure in and the powers of the branch court shall be the same in cases assigned to said branch court as is prescribed by law for Appellate Courts, and the rules of the Appellate Court for the district in which such branch court shall be constituted shall be the rules of said branch court, but said branch court may fix its own hours for business and times for temporary or permanent adjournments so as least to interfere with other judicial duties of the judges thereof.

§ 4. The judges of said branch courts shall choose from among their number a presiding justice, as is now provided by law concerning Appellate Courts, and two members of said branch court shall constitute a quorum, and the concurrence of a majority of the members thereof shall be necessary to every decision and determination, the same as is now or may hereafter be provided by law concerning Appellate Courts.

§ 5. No judge of any Circuit Court shall be required to sit or serve, without his consent, as a judge in any of said branch Appellate Courts, if he be assigned from a circuit outside of the Appellate Court district to which he may be designated or assigned. And it shall be competent for the proper county authorities within the Appellate Court district in which a judge, from a circuit outside of such district, may be assigned to do duty as a judge of such branch court, to, in their discretion, cause such judge to be paid out of the county treasury his reasonable expenses, not exceeding ten dollars a day, for the time he shall actually spend away from his home and serve in determining the cases assigned to said branch court.

§ 6. The clerk of the Appellate Court of each district in which a branch court may, as aforesaid, be established, shall be *ex officio* the clerk of said branch court, and he shall make up a calendar of cases assigned to the branch court, which cases shall be subject to

call and hearing or other disposition as said branch court may determine, but for good cause appearing said Appellate Court may vacate the order assigning any case to said branch court. The said clerk shall keep the record of the cases assigned to said branch court and the orders and judgments rendered therein by said branch court in the same manner as in other cases in said Appellate Court, and copies of records and orders in cases in said branch court may be certified by said clerk as clerk of said Appellate Court. The sheriff of the county in which such branch Appellate Court may be held shall be chargeable with the like duties concerning said branch courts as are now or may hereafter be imposed upon him by law concerning Appellate Courts. Said branch Appellate Courts shall, except as may hereafter be provided by law, sit and hold court in the places now provided by law for holding Appellate Courts in the several Appellate Court districts, and such appropriations as have been made or may hereafter be made by law for the expenses of Appellate Courts shall be available for said branch courts under the supervision and control of the several Appellate Courts in the districts in which said branch courts may be constituted, and said branch courts, while sitting, shall have and enjoy the privileges, and use, in connection with said Appellate Courts, of the court rooms and libraries now provided by law for said Appellate Courts, without additional cost or expense to the State, except as may be hereafter provided by law.

§ 7. The term of duty in said branch courts of all judges who may be assigned as aforesaid shall be three years from the first Monday of June next succeeding their assignment, and upon the expiration of said term the Supreme Court shall assign their successors for another term of three years: *Provided*, the Supreme Court may, for cause, remove any one or all of said judges, and may, upon request, relieve any one of them from duty, and shall fill all vacancies, whether occurring by removal or otherwise, as now is or may hereafter be its duty or right by law concerning judges assigned to the Appellate Courts of the State: *And, provided further*, that whenever said branch courts shall have determined all causes and matters assigned to them by the Appellate Court of the district in which said branch court shall be constituted, it shall be the duty of the judges of said branch courts to return to their usual judicial duties until the next succeeding term of said Appellate Court and until requested by said Appellate Court to resume duty in said branch courts, and when so requested by said Appellate Court, it shall be their duty forthwith to resume and perform duty in said branch courts as provided by this act.

§ 8. WHEREAS, The number of cases brought to and pending in the Appellate Court for the first district has steadily increased during the last few years until at the present term thereof, it exceeds four hundred and thirty, and the docket of said court is greatly overcrowded, and there is liability of a corresponding increase in one or more of the other districts, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED June 2, 1897.



## COURTS, CIRCUIT.

## JUDICIAL CIRCUITS.

§ 1. Circuits.

§ 3. Terms.

§ 2. Election of judges.

§ 4. Repeal.

AN ACT to divide the State of Illinois, exclusive of the county of Cook, into judicial circuits.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in lieu of the circuit courts provided by law and now existing, the State of Illinois, exclusive of the county of Cook, shall be and the same is hereby divided into judicial circuits as follows:

First Circuit—The counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson and Saline.

Second Circuit—The counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence and Crawford.

Third Circuit—The counties of Randolph, Monroe, St. Clair, Madison, Bond, Washington and Perry.

Fourth Circuit—The counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.

Fifth Circuit—The counties of Vermilion, Edgar, Clark, Cumberland and Coles.

Sixth Circuit—The counties of Champaign, Douglas, Moultrie, Macon, DeWitt and Piatt.

Seventh Circuit—The counties of Sangamon, Macoupin, Morgan, Scott, Green and Jersey.

Eighth Circuit—The counties of Adams, Schuyler, Mason, Cass, Brown, Pike, Calhoun and Menard.

Ninth Circuit—The counties of Knox, Warren, Henderson, Hancock, McDonough and Fulton.

Tenth Circuit—The counties of Peoria, Marshall, Putnam, Stark and Tazewell.

Eleventh Circuit—The counties of McLean, Livingston, Logan, Ford and Woodford.

Twelfth Circuit—The counties of Will, Kankakee and Iroquois.

Thirteenth Circuit—The counties of Bureau, LaSalle and Grundy.

Fourteenth Circuit—The counties of Rock Island, Mercer, White-side and Henry.

Fifteenth Circuit—The counties of JoDaviess, Stephenson, Carroll, Ogle and Lee.

Sixteenth Circuit—The counties of Kane, DuPage, DeKalb and Kendall.

Seventeenth Circuit—The counties of Winnebago, Boone, McHenry and Lake.

§ 2. On the first Monday of June, A. D. 1897, there shall be elected in each of said circuits by the electors thereof by the general ticket, as provided by law for general elections, three judges of the circuit court, whose term of office shall be six years; and every six years thereafter there shall, in like manner, be elected in each of said circuits three judges of the circuit court, whose term of office shall be as aforesaid.

§ 3. The terms of the circuit courts in the respective counties shall be held at the times and places now provided, or which may hereafter be provided, by law.

§ 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED April 23, 1897.

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MARCH TERMS, A. D. 1886 AND 1887, CLAY COUNTY CIRCUIT COURT  
LEGALIZED.

§ 1. Proceedings legalized.

| § 2. Emergency.

AN ACT to legalize the judicial proceedings of the March terms, A. D. 1886 and 1887, of the Clay County Circuit Court.

WHEREAS, It is provided by an act of the General Assembly, approved June 30, 1885, and in force July 1, 1885, entitled "An act concerning circuit courts and to fix the time for holding the same in [the] several counties in the judicial court [circuits] of the State of Illinois, exclusive of the county of Cook," that the circuit court of Clay county should hold regular terms to commence on the second Mondays of March and September; and,

WHEREAS, By the provisions of an act passed by the General Assembly of the State of Illinois, approved May 29, 1885, the time of convening of the said circuit court was fixed on the third Monday in March and the second Monday in September; and,

WHEREAS, By a misunderstanding and misconception as to which of said acts was in force, the circuit court of said Clay county was inadvertently convened on the third Monday of March in the years A. D. 1886 and 1887, as for regular terms of said court, and all summons and other process were issued and made returnable to the third Monday of said month of March in the said years of 1886 and 1887, as and for regular terms of said court, and said court, did from thenceforth continue in supposed legal session, transacting all such business as was then pending in said court; and,

WHEREAS, At said supposed legal terms of said court many proceedings were had and entered of record whereby many titles to real estate and other valuable property rights were divested and acquired; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all judgments, orders and decrees entered and made by said circuit court at said supposed terms, not set aside, modified or vacated, and all acts and proceedings thereunder, are hereby legalized and validated as fully and perfectly, and to all intents and purposes, as if said court had regularly convened and been held according to law.

§ 2. WHEREAS, An emergency exists by reason of said court having been held out of time whereby many titles to real estate and other property rights became and are unsettled, therefore this act shall take effect and be in force from and after its passage.

APPROVED May 6, 1897.

#### TERMS CHANGED—FIRST CIRCUIT.

§ 1. Enacting clause.

§ 2. Fixes the terms of the circuit court in the counties composing the first district, and gives an additional term to Saline county.

*AN ACT to amend section 2 of an act entitled "An act concerning circuit courts, and to fix the time of holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of Cook county," approved May 24, 1879, and in force July 1, 1879, and amended by an act approved June 17, 1891, in force July 1, 1891, giving to Saline county an additional term of court, and changing the March term of Saline county to the first Monday in April.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section two (2) of an act entitled "An act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, and amended by an act approved June 17, 1891, in force July 1, 1891, be and the same is hereby amended so as to read as follows:

§ 2. In the county of Union, on the third Monday of March, the third Monday of June and the second Monday of November; in the county of Jackson, on the second Monday in January, the second Monday in April and the second Monday in September; in the county of Williamson, on the first Monday of February, the first Monday of May and the fourth Monday of September; in the county of Franklin, on the fourth Monday of April and the fourth Monday of October; in the county of Saline, on the first Monday of April,

the second Monday of September and the first Monday of December; in the county of Alexander, on the second Monday of February, the second Monday of May, the second Monday of July and the second Monday of October: *Provided*, the term to be held on the second Monday of July in Alexander county shall be held exclusively for criminal business; in the county of Pulaski, on the fourth Monday of April and the fourth Monday of October; in the county of Pope, on the first Monday of May and the second Monday of October; in the county of Massac, on the second Monday of April and the fourth Monday of November; in the county of Hardin, on the fourth Monday of February and the fourth Monday of September; in the county of Johnson, on the fourth Monday of March and the second Monday of November: *Provided*, that no grand jury shall be summoned to attend at the December term in Saline county, and that no grand jury shall be summoned to attend at the May term in Alexander county, and that no grand or petit jury shall be summoned to attend at the June term in Union county, except by special order of the judge holding such terms of court.

APPROVED April 8, 1897.

#### TERMS OF CIRCUIT COURTS.

§ 1. Times of holding court.

§ 19. Repeal.

AN ACT to amend "An act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter the time for holding the circuit courts in the several counties composing the various judicial circuits in the State of Illinois, exclusive of the county of Cook, as said circuits have been defined by law of the General Assembly, approved April 23, 1897, be as follows:

§ 2. FIRST CIRCUIT.] In the county of Union, on the third Monday of March, the third Monday of June, and the second Monday of November; in the county of Jackson, the second Monday of January, the second Monday of April and the second Monday of September; in the county of Williamson, the first Monday of February, the first Monday of May and the fourth Monday of September; in the county of Saline, the first Monday of April, the second Monday of September and the first Monday of December; in the county of Alexander, on the second Monday of February, second Monday of May, the second Monday of July and the second Monday of October; in the county of Pulaski, on the second Monday of January, the fourth Monday of April and the fourth Monday of October; in the county of Pope, on the first Monday of May and the second Monday of Oc-

tober; in the county of Massac, on the fourth Monday in August, the second Monday in January and the second Monday in April: *Provided*, that no grand or petit jury shall be summoned for the April term, except by order of the court; in the county of Johnson, the fourth Monday of March, the third Monday of August and the second Monday of November: *Provided*, that no grand jury shall be summoned to attend at said December term of court in Saline county and that no grand jury shall be summoned to attend at said May term in Alexander county, and that no grand or petit jury shall be summoned to attend at said June term in Union county, except by special order of the judge holding such term of court.

§ 3. SECOND CIRCUIT.] In the counties [county] of Hardin, on the fourth Monday of February and the fourth Monday in September; in the county of Gallatin, on the first Mondays of February and September; in the county of White, on the first Monday of January, the second Monday of March, the first Monday of June and the first Monday of August; in the county of Hamilton, on the fourth Mondays of February and September; in the county of Franklin, on the fourth Monday of May and the fourth Monday of November; in the county of Wabash, on the third Mondays of April and November; in the counties [county] of Edwards, on the second Mondays of April and November; in the county of Wayne, on the third Mondays of January, March, June and October; in the county of Jefferson, on the third Monday of February, the second Monday of May, the third Monday of August and the second Monday of December; in the county of Richland, on the second Mondays of April and November; in the county of Lawrence, on the first Mondays in May and October and the first Monday in February: *Provided*, that the February term shall be devoted exclusively to the trial of chancery causes and to the trial or transaction of any business in civil and criminal cases not requiring a jury, and no jury shall be empaneled for the February term, in the county of Crawford on the first Mondays of March and September.

§ 4. THIRD CIRCUIT.] In the county of Randolph, on the first Mondays of March and September; in the county of Monroe, on the third Mondays thereafter; in the county of St. Clair, on the second Monday of January, the second Monday of April and the second Monday of September; in the county of Madison, on the third Monday of March and the third Monday of October; in the county of Bond, on the third Monday of March and the third Monday of September; in the county of Washington, on the second Monday in April and the second Monday in October; in the county of Perry, on the first Mondays in May and November.

§ 5. FOURTH CIRCUIT.] In the county of Marion, on the second Monday of January and the fourth Mondays of April and September; in the county of Clinton, on the second Mondays of May and November; in the county of Clay, on the second Mondays of March and September; in the county of Fayette, on the second Mondays of February and May and the fourth Monday of August; in the county

of Effingham, on the third Mondays of March and October; in the county of Jasper, on the second Monday of April and the first Monday of October; in the county of Montgomery, on the third Monday of January and the first Mondays of April and November; in the county of Shelby, on the first Monday of June and the second Mondays of February and November; in the county of Christian, on the second Monday of March and the fourth Mondays of August and November: *Provided*, the June term in Shelby county shall have no juries summoned unless the same is done on the written order of the judge, made thirty (30) days prior to the first day of the term.

§ 6. FIFTH CIRCUIT.] In the county of Vermilion, on the third Monday in January, the third Monday of May and first Monday of October; in the county of Edgar, on the second Monday of February, the first Monday of June and second Monday in November; in the county of Clark, on the first Monday in March and first Monday in September; in the county of Cumberland, on the third Mondays of February and August; in the county of Coles, on the third Monday of April, the second Monday of October and second Monday of January: *Providing*, no grand jury shall be summoned for the January term of Coles county unless ordered by the court: *Provided, further*, that no grand or petit jury shall be summoned for the February term of Edgar county unless ordered by the judge assigned to hold such term of court.

§ 7. SIXTH CIRCUIT.] In the county of Champaign, on the fourth Monday of September and the first Monday in March; in the county of Douglas, on the second Monday in April and the second Monday of October; in the county of Moultrie, on the second Monday in March and the second Monday of September; in the county of Macon, on the second Monday of January, second Monday of May and the first Monday of October; in the county of DeWitt, on the third Monday in March, fourth Monday in August and first Monday in December; in the county of Piatt, on the first Monday of September and the first Monday of February: *Provided*, that at the August term in DeWitt county no regular grand or petit jury shall be summoned.

§ 8. SEVENTH CIRCUIT.] In the county of Sangamon, on the first Monday of September, November, January, March and May; in the county of Macoupin, on the fourth Monday of January, the first Monday in June and the third Monday in September: *Provided*, that no jury shall be summoned for the June term in said county unless upon the written order of one of the judges of said judicial circuit; in the county of Morgan, on the second Mondays of May and November; in the county of Scott, on the fourth Monday of April and October; in the county of Green, on the fourth Monday of February and the first Monday of September; and the county of Jersey, on the third Monday of March and the fourth Monday of September.

§ 9. EIGHTH CIRCUIT.] In the county of Adams, on the third Monday in January, fourth Monday of March, and on the third Mon-

day of May, and on the third Monday of June and third Monday of September, and on the fourth Monday of October; in the county of Schuyler, on the fourth Tuesday in April and the third Tuesday in October; in the county of Mason, on the second Monday in February and the first Mondays of August and November; in the county of Cass, on the first Monday of April, second Monday of January, and first Monday of October; said January term in said county of Cass to be devoted to the trial of chancery causes, and such other business as may be transacted without the intervention of a petit jury; in the county of Brown, on the fourth Monday of February, and the third Monday of September; in the county of Pike, on the second Monday of April, third Monday of June, and the second Monday of November: *Provided*, that the June term shall be devoted exclusively to the trial of chancery causes and to the trial or transaction of any business in civil and criminal cases not requiring a jury, and no jury, grand or petit, shall be summoned for said June term; in the county of Calhoun, on the second Mondays of April and October; in the county of Menard, on the first Monday in March and the third Mondays of July and October.

§ 10. NINTH CIRCUIT.] In the county of Knox, on the first Monday of February, first Monday of June and first Monday of November; in the county of Warren, on the first Monday of January, first Monday of May and third Monday of September; in the county of Henderson, on the first Monday of March and the first Monday of October; in the county of Hancock, on the third Monday of March, the first Monday of June and the third Monday of October: *Provided*, there shall be no jury, either grand or petit, at the June term of said court; in the county of McDonough, on the fourth Monday of January, second Monday of May, and third Monday of September; in the county of Fulton, on the second Monday of January, third Monday of May, and fourth Monday of September.

§ 11. TENTH CIRCUIT.] In the county of Peoria, on the second Mondays in January, March, May, September and November; in the county of Marshall, on the second Mondays of January, May and September of each year; in the county of Putnam, on the first Monday of March and fourth Monday of October; in the county of Stark, on the second Monday of March and September; in the county of Tazewell, on the first Mondays of May and February, and the second Mondays of September and November.

§ 12. ELEVENTH CIRCUIT.] In the county of McLean, on the second Monday in September and first Monday of November, first Monday of February, and fourth Monday of April; in the county of Livingston, on the third Tuesday of January and April, and second Tuesday of September; in the county of Logan, on the third Mondays of January, May and September; in the county of Ford on the third Tuesday of August and the first Tuesday of April and December; in the county of Woodford, on the second Tuesday of April and the first Tuesday of August and December.

§ 13. TWELFTH CIRCUIT.] In the county of Will, first Monday of January, first Monday of March, first Monday of May, which term shall close on or before the last Saturday of June, third Monday of September and third Monday of November, at which term no grand jury shall be summoned and no criminal business be transacted; in the county of Kankakee, first Monday of January, first Monday of May, and first Monday of October; in the county of Iroquois, first Tuesday of March and second Tuesday in November, and the third Tuesday of June.

§ 14. THIRTEENTH CIRCUIT.] In the county of Bureau, on the third Monday of September and first Monday of January, and second Monday of April; in the county of LaSalle, on the second Monday of October, second Monday of January, second Monday of March and the second Monday of June; in the county of Grundy, the first Monday in March and the third Monday in September.

§ 15. FOURTEENTH CIRCUIT.] In the county of Rock Island, on the first Mondays of January and May, and the third Monday of September; in the county of Mercer, on the first Monday of April, second Monday of September and first Monday of December; in the county of Whiteside, on the first Monday of January, first Monday of April and first Monday of October; in the county of Henry, on the second Monday of February first Mondays of June and November.

§ 16. FIFTEENTH CIRCUIT.] In the county of Jo Daviess, on the second Mondays of November and February, and the fourth Monday in May; in the county of Stephenson, on the first Mondays of September and December, and the first Monday of March and June; in the county of Carroll, on the first Monday of March, on the third Monday in June, and the third Monday of November; in the county of Ogle, on the first Monday of October, on the first Monday of January, and the fourth Monday of April; in the county of Lee, on the first Monday of January, second Monday of April, and the third Monday of September.

§ 17. SIXTEENTH CIRCUIT.] In the county of Kane, on the first Monday of February, on the third Monday of May, on the second Monday of September, and on the third Monday of November; in the county of DuPage, on the first Monday of March and on the first Monday of October; in the county of Kendall, on the first Monday of April and on the fourth Monday of October; in the county of DeKalb, on the fourth Monday of February, on the first Monday of June, and on the fourth Monday of October.

§ 18. SEVENTEENTH CIRCUIT.] In the county of Winnebago, on the first Monday of October, second Monday in January, and second Monday in April; in the county of Boone, on the fourth Mondays of January, April and September; in the county of McHenry, on the second Monday of January, and the fourth Mondays of May and September; and in the county of Lake, on the first Monday of March, and first Monday of October and the first Monday in December, *Provided*: that no jury shall be summoned to attend at said December term, except by special order of the judge holding such term of court. *Provided*: that all suits commenced for, and all pro-



cess made returnable to any term of court under the law to which this act is amendatory, shall be treated and held to be commenced for and returnable to the first succeeding term of court under this act, and all such suits and process shall stand as though the same had been made returnable to such succeeding term of court.

§ 19. REPEAL.] All such acts or parts of acts in conflict herewith be and the same are hereby repealed.

APPROVED June 11, 1897.

#### TERMS OF THE CIRCUIT COURT.

§ 1. Additional term in Boone county. | § 2. Emergency.

*AN ACT to provide for an additional term of the circuit court in the county of Boone.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall hereafter be held an additional term of the circuit court in and for the county of Boone, commencing on the second Monday of May of each year.

§ 2. WHEREAS, There is urgent need for clearing the docket of the circuit court in said county of Boone, therefore an emergency exists, and this act shall take effect and be in force from and after its passage and approval by the Governor.

APPROVED March 10, 1897.

#### TERMS OF CIRCUIT COURTS.

§ 1. Amends section 4 of Act 1891 by giving Marion county an additional term of court. | § 2. Emergency.

*AN ACT to amend section four (4) of an act entitled "An act concerning circuit courts and to fix the time of holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of Cook county," approved May 24, 1879, in force July 1, 1879, and amended by an act approved June 13, 1891, in force July 1, 1891*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section four (4) of an act entitled "An act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of Cook county," approved May 24, 1879, in force July 1, 1879, and amended by an act approved June 13, 1891, in force July 1, 1891, be and the same is hereby amended to read as follows:

Section 4. THIRD CIRCUIT.] In the county of St. Clair, on the second Monday of January, second Monday of April and the third

Monday of September; in the county of Madison, on the third Monday of March and the third Monday of October; in the county of Bond, on the third Monday of March and the first Monday of September; in the county of Marion, on the second Monday of January, the last Monday of May and the fourth Monday of September; in the county of Randolph, on the first Mondays of March and September; in the county of Monroe, on the third Mondays thereafter; in the county of Washington, on the second Mondays thereafter; in the county of Perry, on the third Mondays thereafter; in the county of Clinton, on the second Mondays thereafter: *Provided*, that all suits commenced for, and all process made returnable to, and all causes continued to, the July, 1897, term of the Marion county circuit court shall be treated and held to be commenced for, returnable to and continued to, the May, 1897, term of said court, as provided by this act, and all such suits, process and continuances shall stand as though the same had been made returnable to, and continued to, the said May term of said court.

§ 2. WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED April 16, 1897.

## COURTS—CITY.

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| <p>§ 1. Amends sections 13, 15 and 19, of the Act of 1874.</p> <p>§ 13. Recognizances—city prison—sheriff to be the keeper and to have custody of prisoners.</p> | <p>§ 15. Writs—orders—judgments, etc., lien from the time of their rendition.</p> <p>§ 19. Fees of jurors—how paid.</p> |
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AN ACT to amend sections thirteen (13), fifteen (15) and nineteen (19) of an act entitled "An act in relation to courts of record in cities," approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections thirteen (13), fifteen (15) and nineteen (19) of an act entitled "An act in relation to courts of record in cities," approved March 26, 1874, in force July 1, 1874, be so amended as to read as follows:

Section 13. All recognizances taken by any justice of the peace, police magistrate or other officer of the city, in criminal cases, when the offense is committed in the city, except treason and murder, may be made returnable to the city court of such city and in all such cases the defendant may be confined in a city prison if the same be provided for that purpose by such city. The sheriff of the county shall be the keeper and have the custody of such prisoners; and the cost of feeding and keeping such prisoners shall be paid out of the county treasury on the certificate of the sheriff verified by his affidavit.

§ 15. The writs and process of such city courts shall be issued and executed in the same manner, and shall have the same force and effect, except as limited by this act, as the writs and process of circuit courts. Orders, judgments and decrees of city courts shall have the same force, be of the same effect, and shall be executed and enforced in the same manner as judgments, orders and decrees of circuit courts; such judgments and decrees shall be a lien upon the real estate in such city from the time of their rendition; and in the county wherein such city court is situate only after a certified transcript of the same shall have been filed in the office of the circuit clerk of the county; which transcript shall contain the names of the parties to the suit, the kind of action, the amount of the judgment, or the general nature or effect of the decree, as the case may be, and the term and time at which the suit was disposed of.

§ 19. The fees of the grand and petit jurors for such courts, including the fees for summoning the same, shall be paid out of the county treasury of the county wherein such court is established upon the certificate of the clerk of such court.

APPROVED May 24, 1897.

## COURTS, COUNTY.

§ 1. Amends section 44 of the Act of 1874, as amended by the Act of 1883, by changing terms in Henderson county—emergency.

AN ACT to amend section 44 of an act entitled "*An act to extend the jurisdiction of county courts and to regulate the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874, as amended by act approved June 23, 1883, and in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section forty-four (44) of an act entitled "*An act to extend the jurisdiction of county courts and to regulate the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874, as amended by act approved June 23, 1883, and in force July 1, 1883, be and the same is hereby amended so as to read as follows:

§ 44. Henderson—January and June.

WHEREAS, In consequence of the legal business of said county of Henderson, a term of said county court is required in the month of June, A. D. 1897, and an emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED June 3, 1897.

## COURTS OF RECORD.

## PUBLICATION OF SERVICE.

§ 1. Provides that it shall be sufficient publication if notice be published for 4 successive weeks.

*AN ACT to regulate service by publication in courts of record and to repeal acts in conflict therewith.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all suits at law or in chancery, or in probate matters hereafter commenced in courts of record in this State where service by publication is required, or against non-resident defendants who reside or have gone out of the State, or on due inquiry can not be found, or are concealed within this State so that process can not be served upon them, it shall be sufficient publication if such notice shall be published for at least four (4) successive weeks, the first publication to be at least thirty (30) days next prior to the first day of the term of such court, in some newspaper of general circulation in the county in which such suit may be brought. And the clerk of the court shall mail to the defendants at their last known place of residence, as stated in the affidavit, a copy of said notice within ten days after the first day of the publication of the same.

APPROVED June 11, 1897.

## COURT RECORDS.

## RESTORATION.

§ 1. Clerk of the circuit court of Clay county to write up and reproduce the journal entries in full.

§ 3. Duty of the board of supervisors.

§ 4. Emergency.

§ 2. Journal entries to be admitted in evidence.

*AN ACT to provide for the restoration of lost or destroyed court records.*

WHEREAS, Book "P" of the records of the circuit court of the county of Clay and State of Illinois, containing the journal entries of the said circuit court proceedings for the September term, 1893, the March and September terms, 1894, and the March term, 1895, have been lost, stolen or destroyed, and are believed to have been wilfully stolen and destroyed; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the clerk of the circuit court in and for the county of Clay and State of Illinois be and he is hereby authorized and directed to procure a suitable blank book and from the court's minutes in the "judge's docket" write up and reproduce the journal entries in full, as they were at the time of the loss or destruction of the said book "P" of circuit court records of Clay county, Illinois.

§ 2. The said journal entries, when so written and reproduced and approved by any one of the judges of the circuit court in and for the county of Clay and State of Illinois, shall be admitted in evidence in all courts the same as the originals might [might] have been.

§ 3. It shall be the duty of the board of supervisors of Clay county, and they are hereby required, to allow and pay for the necessary book and reasonable compensation to the clerk for his services in [and] about the restorations of the said lost records, to be determined by the usual fee per folio or hundred words; and this work being extra and rendered necessary, without any fault or neglect of the clerk or other court official, the clerk shall be allowed his said fees in addition to his salary and clerk hire as necessary clerk hire.

§ 4. WHEREAS, The said records are constantly needed in the transaction of business, therefore an emergency exists and this act shall take effect from and after its passage and approval.

APPROVED June 7, 1897.

## COURTS, SUPREME.

### CONSOLIDATION.

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| § 1. Makes one grand division.   | § 4. Process returnable.    |
| § 2. Terms of court.   | § 5. Appeals, when allowed. |
| § 3. Clerks of the northern and southern grand divisions to remove records, etc., to central grand division. | § 6. Repeal.                |

AN ACT to diminish the number of the judicial divisions of the Supreme Court, to change the time and places of holding said court, and to regulate the practice in said court.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purposes of holding the terms of the Supreme Court, and the election of a clerk of said court, the State shall constitute one (1) grand division.

§ 2. The terms of the Supreme Court shall be held in the place provided therefor at the city of Springfield, as follows: On the first Tuesday in October, December, February, April and June of each year.

§ 3. The clerks of said court for the northern and southern grand divisions as now constituted shall, on or before the first day of October following the taking effect of this act, remove to the place provided for the clerk of said court at the city of Springfield, all the records, files, dockets and papers of their respective offices, and which, with the records, files, dockets and papers of said court in the present central grand division, shall constitute the records, files, dockets and papers of the Supreme Court. Until the terms of office of the present clerks of said court shall terminate said clerks, respectively, shall continue in charge of the records, etc., of their respective grand divisions as now constituted, perform the duties of their said offices and receive the emoluments thereof in all business originating in their respective grand divisions as though said grand divisions had not been consolidated; and upon the expiration of the terms for which the present clerks of said court were elected but one clerk of said court shall be elected.

§ 4. All process returnable to said court in either of the present grand divisions shall, after the taking effect of this act, be held returnable to said court at Springfield to the October term next thereafter; and all appeals to and writs of error from said Supreme Court in either of said grand divisions before the taking effect of this act shall be considered as taken to the said October term; and all notices given before the taking effect of this act, requiring appearance in said court at any time after it shall have taken effect, shall be considered as requiring such appearance at said October term.

§ 5. All appeals to the Supreme Court shall be prayed and allowed at the term at which judgment, order or decree appealed from is rendered, and not more than twenty (20) days after the date of the entry of such judgment, order or decree, authenticated copies of records, or judgments, orders and decrees appealed from shall be filed in the office of the clerk of the Supreme Court on or before the second day of the succeeding term of said court: *Provided*, thirty (30) days shall have intervened between the day on which the order allowing such appeal shall have been entered and the first day of such succeeding term of said court. But if less than thirty (30) days shall have intervened as aforesaid, then such copies of record shall be filed on or before the second day of the second term succeeding the allowance of said appeal; otherwise the said bill shall be dismissed unless further time to file the same shall have been granted by said court or by some justice thereof in term time or vacation upon good cause shown.

§ 6. All laws or parts of laws in conflict with this act are hereby repealed.

APPROVED April 2, 1897.

## CRIMINAL CODE.

## BICYCLE RACING PROHIBITED.

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| <p>§ 1. Racing more than 12 consecutive hours unlawful.</p> <p>§ 2. Persons owning race track, park or road not allowed to rent same for racing purposes.</p> | <p>§ 3. Penalty.</p> <p>§ 4. Repeal.</p> |
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*AN ACT to prevent long, continued and brutal bicycle riding.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person, persons or corporation to engage in, take part in or conduct a bicycle contest, match or race of more than twelve consecutive hours' duration, without a rest of six consecutive hours following each twelve hours' racing.

§ 2. It shall be unlawful for any person, persons or corporation to rent, lease, let or hire any building, race track, park or road, be they public or private, to any one for the purpose of conducting a bicycle race not in accord with section one of this act.

§ 3. Whosoever shall be found guilty of violating any of the provisions of this act shall be deemed guilty of a misdemeanor and liable to a fine of not less than twenty-five dollars nor more than five hundred dollars, or a sentence of not less than thirty days nor more than one year in the county jail or house of correction, according to the discretion of the court.

§ 4. All laws or parts of laws in conflict with this act are hereby repealed.

APPROVED June 10, 1897.

## INSIGNIA OR ROSETTE OF LOYAL LEGION.

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| <p>§ 1. Persons prohibited wearing the insignia or rosette of the military order of the Loyal Legion.</p> | <p>§ 2. Penalty.</p> |
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*AN ACT to prohibit the wearing or using of the insignia or rosette of the military order of the Loyal Legion of the United States by any others than members of the order.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person to wear the insignia or rosette of the military order of the Loyal Legion of the United States, or use the same to obtain aid or assistance thereby from any person, unless he shall be entitled to use or wear the same under the constitution, by-laws, rules and regulations of the military order of the Loyal Legion of the United States.

§ 2. Any person convicted of a violation of any of the provisions of section 1 of this act shall be deemed by the court guilty of a misdemeanor, and shall be fined in any sum not less than ten dollars and not more than two hundred dollars.

APPROVED June 9, 1897.

## PAROLE SYSTEM.

§ 1. Amends section 1 of the Act of 1895.

AN ACT to amend an act in relation to the sentence of prisoners convicted of crime, and providing for a system of parole, approved June 15, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section first of the above entitled act be and the same is hereby amended to read as follows: That every person over twenty-one years of age who shall be convicted of a felony or other crime punishable by imprisonment in the penitentiary, excepting treason, murder, manslaughter and rape, shall be sentenced to the penitentiary, but the court imposing such sentence shall not fix the limit or duration of the sentence, and the term of imprisonment of any person so convicted and sentenced shall not exceed the maximum term provided by law for the crime for which the person was convicted and sentenced, making allowance for good time as now provided by law; the release of such prisoner to be determined as hereinafter provided: *Provided*, that from and after July 1, 1897, the State board of pardons, if then created, shall, *ex-officio*, have the powers and perform the duties devolved upon the commissioners of the penitentiary by the act to which this is an amendment, and "the State board of pardons," in case of its creation as aforesaid, shall be and is hereby substituted in place of the words "board," or "prison board," mentioned in said original act. Also that the following be inserted as section 9 of said act, to-wit:

The provisions of this act shall not apply, so far as they concern his parole, to any person over twenty-one years of age convicted and sentenced to a penitentiary in this State who may be shown, upon his trial, to have been previously sentenced to a penitentiary in this or any other State or country, but such person shall be held and considered as an habitual criminal and shall be required to serve the maximum sentence provided by law for the crime of which he has been convicted, less the good time which he may earn by good conduct, as now provided by law. Also that section (9) of said act, as it now stands, be hereafter known as section (10).

APPROVED June 10, 1897.

REMOVAL OF WASTE, LUBRICATED PACKING OR OTHER MATERIAL PROHIBITED.

§ 1. Penalty.

AN ACT to punish persons for removing waste, lubricated packing or other material from the journal boxes of engines, tenders or cars without authority.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person who shall maliciously remove any waste or lubricated packing or other material from the journal box or boxes of any railway engine, or tender, or any passenger coach, freight or railway car, owned, used or operated by any railroad company, person, corporation or receiver, upon any railroad in this State, shall be guilty of a misdemeanor, and upon



conviction shall be punished by a fine not more than one hundred dollars, or by imprisonment in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment.

APPROVED June 11, 1897.

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#### SELLING OR FRAUDULENTLY USING PASSES.

§ 1. Unlawful for persons to buy, sell, give or transfer any pass.	§ 2. Penalty.
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AN ACT to prevent buying, selling or fraudulently using passes upon railroads, steamboats or other public conveyances.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall not be lawful for any person to buy, sell, give, barter, or transfer in any manner, any pass which, by conditions expressed thereon, is not transferable, or any form of free transportation which, by conditions expressed thereon, is not transferable, issued or given by any railroad company, steamboat company or owners of other public conveyances in this State. Nor shall it be lawful for any person to use, or attempt to use, for the purpose of being transported upon any railroad, steamboat or other public conveyance in this State, any pass or any form of free transportation issued in the name of any person other than the one so using or attempting to use such pass or form of free transportation.

§ 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be liable to be punished by a fine not exceeding \$100, or by imprisonment not exceeding one year, or either, or both, at the discretion of the court in which such person or persons shall be convicted.

APPROVED June 10, 1897.

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#### SENSATIONAL OR FALSE ADVERTISEMENTS IN NEWSPAPERS OR OTHERWISE PROHIBITED.

§ 1. False advertising prohibited.	§ 2. Penalty.
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AN ACT to regulate and prohibit sensational or false advertisements in newspapers or otherwise, and providing penalties for the violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person, firm, asso-

ciation or corporation doing business in this State shall insert or cause to be inserted in any newspaper circulated in this State, or display or exhibit any sign, placard, transparency, or distribute or cause to be distributed any hand-bill, circular or pamphlet whereby any goods or merchandise shall be falsely represented or advertised as stocks damaged by fire, water or otherwise, or as bankrupt or insolvent stocks, or as sheriff's, constable's, receiver's, assignee's of other judicial sales, or as offered as closing out or sacrifice sales, or whereby the same are falsely represented to be of a greater worth or value than the selling price at which the same are offered for sale.

§ 2. Any person, firm, association or corporation violating any of the provisions of section one (1) of this act shall forfeit and pay not less than twenty-five dollars (\$25.00) for the first offense, and not less than fifty dollars (\$50.00) for the second offense, and not less than double the penalty inflicted for the second offense for each subsequent offense.

APPROVED June 11, 1897.

## DOCUMENTS AND RECORDS.

### PRESERVATION.

§ 1. Documents and records transferred to the Illinois State Historical Library.	§ 2. To whom delivered.
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AN ACT to provide for the better preservation of official documents and records of historic interest.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the board of supervisors, or the board of county commissioners, as the case may be, of every county in this State may, by order or resolution, authorize and direct to be transferred to the Illinois State historical library, or to the State university library at Urbana, Illinois, such official papers, drawings, maps and writings and records of every description as may be deemed of historic interest or value, and as may be in the custody of any officer of such county. Accurate copies of papers, etc., thus transferred, shall be substituted for the original copies in the records of the proper office when, in the judgment of the county board, the same may be deemed necessary.

§ 2. It shall be the duty of the officer having the custody of such papers, etc., whenever so directed by the county board in the manner prescribed in the foregoing section, to deliver the same to the trustees or librarian of the library designated by said county board.

APPROVED June 9, 1897.

## DRAINAGE.

## CONSTRUCTION, MAINTENANCE AND REPAIRS OF DRAINS AND DITCHES.

*AN ACT in relation to the construction, reparation and protection of drains, ditches and levees across the land of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts, approved and in force May 29, 1879.*

Section 200. To require all persons owning land to clean streams.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all persons owning land in this State shall clean annually any and all brush, trees, logs and other impediments to the flow of water in the bed of any stream, however small, and extending from the top of one bank to the top of opposite bank of any such stream, as far as any such stream shall run or border the land of any owner, and when any stream shall run between the lands of two or more owners, each party shall clean his part of such stream: *Provided*, that the streams or runs less than 15 feet wide, and the rivers of this State, shall not be included herein, and this act shall not interfere with fencing, flood-gates, bridges, culverts, etc., etc.

Sec. 201. PENALTY FOR FAILURE TO COMPLY WITH ABOVE SECTION.] In case of failure to comply with the above section of this act, the tax assessor shall, when he assesses the land of any such owner, inquire whether or not section one of this act has been complied with by any such land owner, and if such land owner has failed to have complied with the requirements of this act by the first day of May of each year, the assessor shall note the fact on the assessment book opposite the land of such owner, and the county clerk is hereby required to extend ten dollars drainage tax against each forty acre tract or fraction thereof, as a penalty for such failure, and five dollars on each such tract shall be added each successive year, and extended by such clerk on the tax books until this act shall be complied with by each land owner or owners, said money to be collected as other taxes, and paid into the school fund of the town wherein the land is, and used in the school district where the land is situated.

In case of failure to comply with the above section of this act, the person or persons so failing shall be liable for all damages occasioned thereby to the person or persons, corporation or municipality injured thereby to be recovered in any of the courts of this State having competent jurisdiction thereof.

APPROVED June 7, 1897.

NOTE—The foregoing is an exact copy of the enrolled law.

SECRETARY OF STATE.

## FARM DRAINAGE.

§ 1. Amends sections 76 and 89a of the Act of 1885 as amended by the Act of 1895.

§ 76. Commissioners—compensation, etc.

§ 89a. Duties of commissioners—election, etc.

*AN ACT to amend sections 76 and 89a of an act entitled "An act to provide for drainage for agricultural and sanitary purposes, and to repeal certain acts therein named," approved June 27, 1885, in force July 1, 1885, as amended by act approved June 21, 1895, in force July 1, 1895.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 76 and 89a of an act entitled "An act to provide for drainage for agricultural and sanitary purposes, and to repeal certain acts therein named," approved June 27, 1885, in force July 1, 1885, as amended by act approved June 21, 1895, in force July 1, 1895, be and the same is hereby amended so as to read as follows:

Section 76. The drainage commissioners shall select one of their own number who shall act as clerk of said drainage commission, "whose compensation shall be two dollars per day for actual service;" he shall be custodian of all papers and records pertaining to drainage matters in his town, and shall keep in a well bound book, to be known as the "drainage record," a record of the proceedings of the commissioners, and shall enter at length therein all the findings and orders of the commissioners pertaining to the subject of drainage.

Section 89a. Upon the organization of any drainage district as provided in section 15 of this act, the duties and obligations of the commissioners of highways, as said drainage commissioners of such district shall cease as soon as drainage commissioners shall have been elected and qualified as herein provided. It shall be the duty of the town clerk to call an election in each district in his township, including the new districts organized during the previous year, by giving ten (10) days notice that an election will be held, (specifying time and place); said notices shall be posted in three (3) conspicuous places in said districts. Elections shall be held in the several drainage districts organized under this act on the second Saturday in March of each year, between the hours of 2 and 6 o'clock p. m. At the first election in each district there shall be elected three (3) commissioners, one for one year, one for two years, and one for three years, and annually thereafter one drainage commissioner shall be elected who shall hold his office three years and until his successor is elected and qualified. Every adult owner of land in the district, whether residing within or without the district, shall be a voter and be eligible to the office of drainage commissioner.

Said elections shall be conducted after the manner provided by law for governing school elections. Commissioners of highways shall act as judges and clerk of the first election held in any district; thereafter the drainage commissioners shall act as judges and clerk of elections in their respective districts. If said commissioners be not present, it shall be competent for the electors present to select

judges and clerk of said election. Returns of said election shall be made to the town clerk, who shall record the same in a book kept for that purpose. Said commissioners shall take the oath of office before some officer authorized to administer oaths. Said commissioners shall be known by the corporate name of drainage commissioners of..... District No.... of the town of....., county of....., State of Illinois, and by that name shall be a body politic and corporate, and may sue and be sued, plead and be impleaded, contract and be contracted with, and shall be the corporate authority of their respective districts. Before entering upon their duties as herein provided the commissioners shall take and subscribe an oath substantially as follows, viz:

We, ....., drainage commissioners of drainage district No...., do solemnly swear (or affirm) that we will faithfully and impartially perform the duties required of us to the best of our understanding and judgment, and make assessments of damages and benefits (or benefits, as the case may be,) in favor of or against the land in said district according to law.

APPROVED June 10, 1897.

#### LEVEES, CANALS AND TUNNELS FOR AGRICULTURE, MINING OR SANITARY PURPOSES.

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| <p>§ 1. Company to state in articles of incorporation the places from and to which it is intended to construct its proposed levees, canals or tunnels.</p> | <p>§ 2. Eminent domain.</p> <p>§ 3. Powers.</p> |
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*AN ACT to enable the construction by incorporated companies of levees, canals and tunnels for agricultural, mining or sanitary purposes.*

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any company which has been or shall be incorporated under the general law of this State for the purpose of building, operating and maintaining within this State any levee, canal or tunnel for agricultural, mining or sanitary purposes shall state in its article of incorporation the places from and to which it is intended to construct its proposed levees, canals or tunnels.

§ 2. If any such corporation shall be unable to agree with the owners for the purchase of any real estate necessary for the purpose of its incorporation for right of way or any other lawful purpose connected with or necessary to the construction, maintenance and operation of any works within the scope of its incorporation, such corporation may acquire such real estate in the manner that may be now or hereafter provided for by any law of eminent domain.

§ 3. Such corporation shall have power—

First—To make such examination and survey for the proposed works as may be necessary to the selection of the most advantageous route, and for such purpose may enter, by its officers, agents and servants, upon the land of any person or corporation, but subject to responsibility for all damage caused thereby.

Second—To construct its levee, canal or tunnel across or under any stream of water, waterway, highway, road, street or railroad which the route of such levee, canal or tunnel shall intersect or touch; but such corporation shall restore the stream, waterway, highway, road, street or railroad thus intersected or touched to its former state, or to such state as not to have impaired its usefulness, and shall keep such crossing in repair: *Provided, however,* that nothing in this act shall be construed or held to authorize the permanent obstruction of any navigable stream or waterway.

APPROVED June 10, 1897.

#### SANITARY DISTRICTS.

§ 1. Amends sections 12 and 21 of the Acts 1889 and 1895.

§ 21. Attorney General to prosecute for any violation of act.

§ 12. Authorizes the board of trustees to levy and collect a tax of 1½ per cent. for 1895, 1896, 1897, 1898 and 1899.

AN ACT to amend sections 12 and 21 of "An act to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, and amended by an act in force July 1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 12 and 21 of "An act to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, and amended by an act in force July 1, 1895, be and the same are hereby amended so as to read as follows:

§ 12. The board of trustees may levy and collect taxes for corporate purposes upon property within the territorial limits of such sanitary district, the aggregate amount of which for each of the years 1895, 1896, 1897, 1898 and 1899 shall not exceed one and one-half per centum of the value of the taxable property within the corporate limits, as the same shall be assessed and equalized for the State and county taxes of the year in which the levy is made, and the aggregate amount of which in any one year after the year 1899 shall not exceed one-half of one per centum of such value. Said board shall cause the amount required to be raised by taxation in each year, to be certified to the county clerk on or before the second Tuesday in August, as provided in section one hundred and twenty-two of the general revenue law. All taxes so levied and certified shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the

officer collecting the same to the treasurer of the sanitary district in the manner and at the time provided by the general revenue law:

*Provided*, that no part of the taxes hereby authorized shall be used by such drainage district for the construction of permanent, fixed, immovable bridges across any channel constructed under the provisions of this act; and,

*Provided further*, that all bridges built across such channel shall not unnecessarily interfere with or obstruct the navigation of such channel when the same becomes a navigable stream, as provided in section 24 of this act, but such bridges shall be so constructed that they can be raised, swung or moved out of the way of vessels, tugs, boats or other water crafts navigating such channel; and,

*Provided further*, that nothing in this act shall be so construed as to compel said district to maintain or operate said bridges as movable bridges for a period of seven years from and after the time when the water has been turned into said channel pursuant to law, unless the needs of general navigation on the Desplaines and the Illinois rivers, when connected with said channel, sooner require it.

§ 21. In case any sanitary district in this State, formed under the provisions of this act, shall introduce sewage into any river or stream of water, or natural or artificial water course, beyond or without the limits of such district, without conforming to the provisions of this act, or, having introduced such sewage into such water course, shall fail to comply with any of the provisions of this act, an action to enforce compliance shall be brought by the Attorney General of this State in the courts of any county wherein such water course is situated, or he may authorize the State's Attorney of any such county to commence and prosecute such action in any such county: *Provided*, that nothing in this section contained shall be construed to prevent the prosecution of any action or proceeding by individuals or bodies corporate or politic against such district:

*And, provided further*, that if any individual or the authorities of any municipal corporation shall file with the Attorney General a verified statement in writing, setting forth wherein said sanitary district has failed to comply with any of the provisions of this act, it shall be the duty of the Attorney General forthwith to file in the Supreme Court of this State a petition for mandamus, setting forth wherein said sanitary district has failed to comply with the provisions of this act, and said court shall thereupon hear and determine such cause and proceed to enforce compliance with the provisions of this act as in other cases of mandamus.

And, in order to comply with the provisions of this act, such sanitary district is hereby authorized and empowered to levy and collect such tax as an emergency tax upon the taxable property of such sanitary district as may be necessary to carry into effect any order, judgment or decree of said court relating to the requisite flowage of water, capacity of the channel or outlet, and the construction, maintenance and operation of movable bridges, as required by this act.

APPROVED May 13, 1897.

## ELECTIONS.

## AMENDS SECTIONS 3 AND 8 OF THE ACT OF 1891.

§ 1. Sections 3 and 8, Act of 1891, amended.

§ 3. Nominations—Names of candidates not to be placed upon the ballot more than once.

§ 8. Withdrawal of candidates from nomination—Duties of the Secretary of State and county clerk.

AN ACT to amend sections 3 and 8 of an act entitled "*An act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot,*" approved June 22, 1891, in force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections three (3) and eight (8) of an act entitled "*An act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot,*" approved June 22, 1891, in force July 1, 1891, be amended so as to read as follows:

§ 3. Any convention of delegates, and any caucus or meeting of qualified voters, as hereinafter defined, and individual voters to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be placed upon the ballots to be furnished as hereinafter provided for: *Provided*, that the names of candidates shall not be placed upon the ballot more than once for the same office, or under more than one party appellation or title.

§ 8. Any person whose name has been presented as a candidate or who has been nominated by more than one convention, caucus or meeting of qualified voters, may cause his name to be withdrawn from any such nomination by his request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgement of deeds, and filed with the Secretary of State not less than fifteen (15) days, or with the proper clerk not less than eight (8) days, previous to the day of election, and no name so withdrawn shall be printed upon the ballots under the party appellation or title from which the candidate has withdrawn his name. In case the certificate of nomination or petition, as provided for in this act, shall contain or exhibit the name of any candidate for any office upon more than one of said certificates or petitions (for the same office), then, and in that case, the Secretary of State or county clerk, as the case may be, shall immediately notify said candidate of said fact and that his name appears unlawfully upon more than one of said certificates or petitions, and that within five (5) days from the receipt of said notification said candidate must elect as to which of said political party appellations or groups he desires his name to appear and remain under upon said ballot, and if said candidate refuses, fails or neglects to comply with the provisions herein, then, and in



that case, the Secretary of State or county clerk, as the case may be, shall not permit the name of said candidate to appear or be printed or placed upon said ballot under any or either of said political party appellations or groups. All certificates of nomination and nomination papers, when filed, shall be open, and, under proper regulation, to public inspection, and the Secretary of State and the several clerks having charge of nomination papers shall preserve the same in their respective offices not less than six (6) months.

APPROVED May 6, 1897.

#### BALLOT REFORM.

§ 1. Amend Section 27, of the Act of 1891.

AN ACT to amend section twenty-seven of an act entitled "An act to provide for the printing and distribution of ballots at public expense and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section twenty-seven of an act entitled "An act to provide for the printing and distribution of ballots at public expense and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891, be amended so as to read as follows:

Section 27. When the canvass of the ballots shall have been completed, as now provided by law, the clerks shall announce to the judges the total number of votes received by each candidate; each judge of the election shall proclaim in a loud voice the total number of votes received by each of the persons voted for and the office for which he is designated, and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people; such proclamation shall be *prima facie* evidence of the result of such canvass of the ballots. Immediately after making such proclamation, and before separating, the judges shall fold in two folds, and string closely upon a single piece of flexible wire all ballots which have been counted by them, except those marked "objected to," unite the ends of such wire in a firm knot, seal the knot in such manner that it can not be untied without breaking the seal, enclose the ballots so strung in a secure canvas covering and securely tie and seal such canvas covering with official wax impression to be provided by the judges, in such manner that it can not be opened without breaking the seals, and return said ballots, together with the package containing the ballots marked "defective" or "objected to," in such sealed canvas covering to the proper clerk or to the board of election commissioners, as the case may be, and such officer shall carefully preserve said ballots for six months, at the expiration of that time shall destroy them by burning without pre-

viously opening the packages. Such ballots shall be destroyed in the presence of the official custodian thereof and two electors of approved integrity and good repute and members respectively of the two leading political parties. The said electors shall be designated by the county judge of the county in which such ballots are kept: *Provided*, that if any contest of the election of any officer voted for at such election shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested elections, the parties contesting the same shall have the right to have said ballots opened and to have all errors of the judges in counting or refusing to count any ballot corrected by the court or body trying such contest, but such ballots shall be opened only in open court or in open session of such body and in the presence of the officer having the custody thereof.

APPROVED June 9, 1897.

#### BALLOT REFORM.

- § 1. Amends section 19, Act of 1891, by providing that the officer whose duty it is to cause the printing and distribution of ballots to print specimen ballots.

*AN ACT to amend section nineteen of an act entitled "An act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 19 of "An act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891, be and the same is hereby amended so as to read as follows:

§ 19. The judges of election shall cause not less than one of such cards to be posted in each voting booth provided for the preparation of ballots, and not less than four of such cards to be posted in and about the polling places upon the day of election. Judges of election shall, not less than five days prior to an election, cause to be conspicuously posted, in five or more public places in their voting precinct or election district, a card of instruction and a specimen ballot printed on colored paper, containing the names, residence and party or political affiliations of all candidates nominated as herein provided, and to be voted for in such precinct, substantially in the form of the general ballot to be used herein, and the officers or authorities charged with the printing and distributing of the ballots shall cause to be published, prior to the day of election, in at least two newspapers, if there be so many published in such county, representing the political parties which cast at the preceding election the largest and next largest number of votes, a list of all the nominations made

as herein provided, and to be voted for at such election, as near as may be in the form in which they shall appear upon the general ballot. The officer or officers whose duty it is to cause the printing and distribution of ballots shall have printed a sufficient number of specimen ballots and deliver the same to the judges of election so as to enable said judges to comply with the provisions of this act.

APPROVED May 26, 1897.

#### CITIES, VILLAGES AND TOWNS.

§ 1. Amends section 15, article II, of the Act of 1885, by providing for the commissioning of judges and clerks.

*AN ACT to amend section 15 of article two II. of an act entitled "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 15 of article II. of an act entitled "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885, be and the same is hereby amended so as to read as follows:

§ 15. After the issue of a commission to such judges and clerks, they shall again be notified to appear at the office of said board, and shall then and there, after taking the oath of office, receive their commissions; said oath of office shall be taken before one of said commissioners or said chief clerk or some person designated by said board of commissioners and approved by said county court for that purpose, and who, when so designated and approved, shall have the right to administer said oath in the name of and for said chief clerk, but the number of persons having the right to administer said oath by reason of said designation and approval shall not at any time exceed five, and the oath of office shall be in writing and subscribed by each one, and shall be in substance as follows:

"I, ....., residing at ....., in the city (village or town) of ....., in the State of Illinois, do solemnly swear (or affirm) that I am a legal voter (and a householder in case of a judge) in the ..... ward of the city (village or town) of ....., in the State of Illinois; that I will support the laws and constitution of the United States and of the State of Illinois; and that I will faithfully and honestly discharge the duties of the office of judge (or clerk) of elections and of registration, for the ..... precinct of the ..... ward of the city (village or town) of ....., in the county [of] ....., in the State of Illinois, according to the best of my ability."

WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED June 7, 1897.

## CITIES, VILLAGES AND TOWNS.

§ 1. Amends section 1 of article 7 of the Act of 1885, by changing the salaries of commissioners and clerks in counties of the first, second and third class.

*AN ACT to amend section 1 of article VII. of an act entitled "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of article VII. of an act entitled "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885, be amended so as to read as follows:

Section 1. Such election commissioners and the chief clerk of the board of election commissioners shall be paid by the county, and for the purpose of fixing their fees and compensation the several counties of this State are divided into three classes as they are now classified by law as to fees and salaries.

In counties of the first class said election commissioners shall receive a salary of \$500, and said chief clerk a salary of \$400, per annum.

In counties of the second class said election commissioners shall receive a salary of \$700, and said chief clerk a salary of \$600, per annum.

In counties of the third class, to-wit, in Cook county, such election commissioners shall receive a salary of \$2,500, and such chief clerk a salary of \$4,000, per annum.

All expenses incurred by such board of election commissioners shall be paid by such city. Such salaries and expenditures are to be audited by the county judges, and such salaries shall be paid by the county treasurer upon the warrant of such county judge out of any money in the county treasury not otherwise appropriated, and such expenditures shall be paid by the city treasurer upon the warrant of such county judge out of any money in the city treasury not otherwise appropriated. It shall also be the duty of the governing authority of such counties and cities, respectively, to make provision for the prompt payment of such salaries and expenses, as the case may be.

APPROVED June 9, 1897.

## ELECTION OF JUDGES OF THE SUPERIOR COURT OF COOK COUNTY.

§ 1. Fixes the time for election of judges of the Superior Court of Cook county. | § 2. Repeal—Emergency.

AN ACT to provide for the election and time of election of judges of the Superior Court of Cook county.

Be it enacted by the People of the State of Illinois, represented in the General Assembly: SECTION 1. Each of the sitting judges of the Superior Court of Cook county shall hold his office until the expiration of the term for which he was elected; and from and after the passage of this act the twelve (12) judges of the Superior Court of Cook county shall be elected, as follows:

One judge on the first Monday in June, in the year of our Lord 1897, and every six (6) years thereafter; and

Six (6) judges on Tuesday next after the first Monday of November in the year of our Lord 1898, and every six (6) years thereafter; and

Four (4) judges on Tuesday next after the first Monday in November in the year of our Lord 1899, and every six (6) years thereafter; and

One judge on the first Tuesday after the first Monday of November in the year of our Lord 1901, and every six (6) years thereafter.

Each of the judges so elected as above provided shall enter upon the duties of his office on the first Monday of December next after his election, and shall hold office for a term of six (6) years, and until his successor is elected and qualified.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED March 31, 1897.

## JUDGES AND CLERKS OF ELECTION.

§ 1 Amends section 33 of Act of 1872 as amended by the Act of 1885.

AN ACT to amend section thirty-three (33) of an act entitled "An act in regard to elections and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, as amended by an act approved June 22, 1885, in force July 1, 1885.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section thirty-three of an act entitled "An act in regard to elections and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, as amended by an act approved June 22, 1885, in force July 1, 1885, be and the same is hereby amended so as it reads as follows:

Section 33. In counties under township organization the county board shall, at its regular (or at a special) meeting in the month of

July of each year, except where such judges and clerks are appointed by election commissioners, appoint in each election district or precinct in the county three capable and discreet electors to be judges of elections, and who shall possess the qualifications required by this act for such judges. The town supervisor shall be appointed as one of such judges of election in the district or precinct in which he resides. No more than two persons of the same political party shall be appointed judges of the same election district or precinct. Such election judges shall hold their office one year from their appointment and until their successors are duly appointed. The said county board may fill vacancies in said office at any time.

APPROVED June 3, 1897.

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PER DIEM OF JUDGES AND CLERKS OF ELECTION.

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| <p>§ 1. Amends section 2 of article VII. Act of 1885.</p> <p>§ 2. Per diem of judges and clerks of election in counties of the third class.</p> | <p>§ 3. Emergency.</p> |
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AN ACT to amend section 2 of article VII. of an act entitled "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 2 of article VII. of an act entitled "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885, be amended so as to read as follows:

Section 2. All judges and clerks of election in counties of the third class under this act shall be allowed and paid at the rate of five dollars per day.

§ 3. WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED April 1, 1897.

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EMINENT DOMAIN.

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| <p>§ 1. Amends section 10 of the Act of 1872.</p> | <p>§ 10. Judgment of court—Petitioner to pay costs and attorneys' fees.</p> |
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AN ACT to amend section ten of chapter forty-seven entitled "An act to provide for the exercise of the right of eminent domain," approved April 10, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section ten of an act

entitled "An act to provide for the exercise of the right of eminent domain," approved April 10, 1872, in force July 1, 1872, be and the same is hereby amended to read as follows:

Section 10. The judge or court shall, upon such report, proceed to adjudge and make such order as to right and justice shall pertain, ordering that petitioner enter upon such property and the use of the same upon payment of full compensation, as ascertained as aforesaid, within a reasonable time to be fixed by the court, and such order, with evidence of such payment, shall constitute complete justification of the taking of such property: *Provided*, that in case the petitioner shall dismiss said petition before the entry of such order or shall fail to make payment of full compensation within the time named in such order, that then such court or judge shall, upon application of the defendants to said petition, or either of them, make such order in such cause for the payment by the petitioner of all costs, expenses and reasonable attorney fees of such defendant or defendants paid or incurred by such defendant or defendants in defense of said petition as upon the hearing of such application shall be right and just, and also for the payment of the taxable costs.

APPROVED May 14, 1897.

## EXEMPTIONS.

§ 1. Amends section 1 of the Act of 1877.

AN ACT to amend section one (1) of an act entitled, "*An act to exempt certain personal property from attachment and sale on execution, and from distress for rent*," approved May 24, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of an act entitled "An act to exempt certain personal property from attachment and sale on execution, and from distress for rent," approved May 24, 1877, in force July 1, 1877, be amended so the same will read as follows:

§ 1. That the following personal property owned by the debtor shall be exempt from execution, writ of attachment and distress for rent, viz.:

First—The necessary wearing apparel, bible, school books and family pictures of every person; and,

Second—One hundred dollars' worth of property, to be selected by the debtor, and in addition, when the debtor is the head of a family and resides with the same, three hundred dollars' worth of other property, to be selected by the debtor:

*Provided*, that such selection and exemption shall not be made by the debtor, or allowed to him or her from any money, salary or wages due him or her from any person or persons, or corporation whatever; and,

*Provided further*, that money due the debtor from the sale of any personal property which was exempt from execution, writ of attachment or distress for rent at the time of such sale, shall be exempt from attachment and garnishment to the same extent as such property would be exempt had the same not been sold by such debtor.

APPROVED June 10, 1897.

## FEES AND SALARIES.

§ 1. Amends section 32, Act 1872.

AN ACT to amend section 32 of an act entitled "*An act concerning fees and salaries, and to classify the several counties of this State with reference thereto*," approved March 29, 1872, in force July 1, 1872, title as amended by act approved March 28, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 32 of an act entitled "*An act concerning fees and salaries and to classify the several counties of this State with reference thereto*," approved March 29, 1872, in force July 1, 1872, title as amended by act approved March 28, 1874, in force July 1, 1874, be and the same is hereby amended to read as follows:

Section 32. FEES OF THE CLERK OF THE CRIMINAL COURT OF COOK COUNTY.] The fees of the clerk of the criminal court of Cook county, from and after the time this act takes effect, shall be the same as the fees provided in this act for the clerks of the circuit courts in criminal matters in counties of the second class; and the said clerk shall keep an account of his fees and report in the same manner as is herein required of the other clerks of courts of record in Cook county. And all the provisions of this act regarding the payment to clerks of the circuit courts out of the county treasury of a deficit arising from the non-collection of any fees shall be in force and apply to the fees and duties of the clerk of the criminal court of Cook county: *Provided further, however*, that in quasi criminal cases appealed to the criminal court from a justice of the peace where the appellant shall file in the office of the justice of the peace his bond as required by law, he shall also at the same time pay the sum of ten dollars to the justice for the use of the clerk of the criminal court, and upon failure to do so it shall be the duty of the justice not to allow the appeal, and in case the appeal is perfected before the clerk of the criminal court the appellant shall be required to pay to the said clerk the said sum of ten dollars, and the clerk of the criminal court shall hold the said sum of ten dollars in each appealed case until such time as the case shall be disposed of, and in case the appeal is decided in favor of the appellant the amount so held shall be returned to the appellant by the said clerk, but if said appeal is dismissed by order of court, then said amount so held shall be taxed as costs in the suit.

APPROVED May 25, 1897.



## FEES OF COUNTY CLERKS IN COUNTIES OF THE THIRD CLASS.

§ 1. Amends section 4 of the Act of 1874.

AN ACT to amend section four (4) of an act entitled "An act to provide for fees of certain officers therein named in counties of the third class," approved March 2, 1874, in force March 2, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section four (4) of an act entitled "An act to provide for fees of certain officers therein named in counties of the third class," approved March 2, 1874, in force March 2, 1874, be and the same is hereby amended so as to read as follows:

§ 4. For each license and taking bond for ferry, toll bridge, turn-pike road, tavern, saloon, grocery or peddler, one dollar (\$1.00). For issuing each marriage license, sealing, filing and recording the same, and the certificate thereto, (one charge) one dollar and fifty cents (\$1.50). For each copy of rates for ferry, toll bridge, or turn-pike road, twenty-five (25) cents. For taking and certifying to the acknowledgement of a deed, power of attorney, or other writing, and sealing the same, twenty-five (25) cents. For filing certificate in case of estrays, entering the same and furnishing notices for publication thereof, (one charge) seventy-five (75) cents. For recording all papers and documents required by law to be recorded in the office of the county clerk, for every one hundred words ten cents (10c). For swearing any person to an affidavit, not to be used in a case in the court of which he is a clerk, with certificate and seal, twenty-five cents (25c.) For certificate and seal, not in a case in a court whereof he is clerk, twenty-five cents (25c). For making and certifying a copy of any paper or record in his office, for every one hundred words, ten cents (10c). For filing papers in his office, for each paper filed, ten cents (10c). For making transcript of taxable property for the assessors, two cents (02c) for each tract of land or town lot, and for extending other than State and county taxes, two cents (02c) for each tax on each tract or lot, and each person's personal tax, to be paid by the authority for whose benefit the transcript is made and the taxes extended, and it shall be the duty of the county clerk to certify to the county collector the amount due from each authority, and the collector, in his settlement with such authority, shall reserve such amount from the amount due and payable by him to such authority. The following fees shall be allowed for services in matters of taxes and assessments, and shall be charged as costs against the delinquent property and collected with the taxes thereon. For entering judgment for each tract or lot, two cents (02c). For services in attending the tax sales, and issuing certificates of sales, and sealing the same, for each tract or lot, twenty cents (20c). For canceling certificates of sale for each tract or lot, twenty cents (20c). For certificates of redemption, fifty cents (50c). For noting on collector's warrants tax sales subject to redemption, for each tract or lot of land, ten

cents (10c), said fee of ten cents (10c) to be paid by either the person making redemption from tax sale, the person surrendering certificate of sale for cancellation, or the person taking out tax deed.

APPROVED June 3, 1897.

#### JUDGES OF SUPREME COURT.

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| <p>§ 1. Judges of the Supreme Court to receive<br/>a salary of \$7,000 per annum.</p> | <p>§ 2. Clerks to certain judges.<br/>§ 3. Repeal.</p> |
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*AN ACT to provide for and fix the salary of the judges of the Supreme Court and to make allowance for clerks to certain judges.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be allowed and paid to each of the judges of the Supreme Court who shall be elected at any election held subsequent to the year 1896, in lieu of any and all other compensation and clerk hire whatsoever, an annual salary of \$7,000, payable in quarter-yearly installments out of the State treasury, on the warrant of the Auditor of Public Accounts, from and out of any money not otherwise appropriated.

§ 2. Any incumbent of the office of supreme judge, whose term is now running and does not expire until after the year 1897, and who, by reason thereof, is disqualified under the latter clause of section 7, article 6, of the Constitution of this State to receive the increased salary provided by this act during the remainder of his term of office, may appoint, by means of a writing to be filed with the State Auditor, a clerk to assist such judge in his work, which clerk shall receive a salary of \$2,000.00 per annum, payable quarter-yearly, on the warrant of said Auditor, out of any money in the treasury not otherwise appropriated. Any such appointment of clerk shall continue in force until revoked by the judge making the same, but this provision shall cease with the expiration of the present term or terms of the judge or judges appointing clerks hereunder.

§ 3. Any and all laws in conflict with this act are hereby repealed.

APPROVED June 11, 1897.

## FIRE ESCAPES.

## FOR BUILDINGS.

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| <p>§ 1. Fire escapes to be put on certain buildings within three months—kind of.</p> <p>§ 2. All buildings to be provided with fire escapes for the purposes set forth in section 1.</p> <p>§ 3. Duties of factory inspectors—notice to owner of buildings.</p> <p>§ 4. Owners or trustees subject to fine.</p> | <p>§ 5. Erection and construction of all fire escapes to be under supervision of inspector of factories.</p> <p>§ 6. Application for a permit to erect fire escapes to be filed in the office of the inspector of factories.</p> <p>§ 7. Act of 1885 repealed.</p> |
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*AN ACT relating to fire escapes for buildings.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That within three (3) months next after the passage of this act all buildings in this State which are four or more stories in height, excepting such as are used for private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair fire escapes attached to the outer walls thereof, and provided with platforms of such form and dimensions, and such proximity to one or more windows of each story above the first, as to render access to such ladder or stairs from each such story easy and safe, and shall also be provided with one or more automatic metallic fire escapes, or other proper device, to be attached to the inside of said buildings so as to afford an effective means of escape to all occupants who, for any reason, are unable to use said ladders or stairs; the number, location, material and construction of such escapes to be subject to the approval of the inspector of factories: *Provided, however,* that all buildings more than two stories in height, used for manufacturing purposes, or for hotels, dormitories, schools, seminaries, hospitals, or asylums, shall have at least one such ladder fire escape for every fifty (50) persons, and one such automatic metallic escape, or other device, for every twenty-five (25) persons, for which working, sleeping or living accommodations are provided above the second stories of said buildings; and that all public halls which provide seating room above the first or ground story shall be provided with such numbers of said ladder and other fire escapes as said inspector of factories shall designate.

§ 2. All buildings of the number of stories and used for the purposes set forth in section one (1) of this act which shall be hereafter erected within this State shall, upon or before their completion, each be provided with fire escapes of the kind and number and in the manner set forth in this act.

§ 3. It shall be the duty of said inspector of factories to serve a written notice, in behalf of the People of the State of Illinois, upon the owner or owners, trustees or lessees, or occupant, of any building within this State not provided with fire escapes in accordance with

the requirements of this act, commanding such owner, trustee, lessee or occupant, or either of them, to place or cause to be placed upon such building such fire escape or escapes as provided in section one (1) of this act, within thirty (30) days after the service of such notice. And the grand juries of the several counties of this State may also, during any term, visit or hear testimony relating to any building or buildings within their respective counties for the purpose of ascertaining whether it or they are provided with fire escapes in accordance with the requirements of this act, and submit the result of their inquiry, together with any recommendations they may desire to make, to the circuit court, except in Cook county, and to the criminal court of Cook county, and said court may thereupon, if it find from the report of said grand jury that said building or buildings is or are not provided with a fire escape or escapes in accordance with this act, cause the sheriff to serve a notice or notices upon the owner, trustee, lessee or occupant of such building or buildings.

§ 4. Any such owner or owners, trustee, lessee, or occupant, or either of them, so served with notice as aforesaid, who shall not, within thirty (30) days after the service of such notice upon him or them, place or cause to be placed such fire escape or escapes upon such building as required by this act and the terms of such notice, shall be subject to a fine of not less than twenty-five or more than two hundred dollars, and to a further fine of fifty dollars for each additional week of neglect to comply with such notice.

§ 5. The erection and construction of any and all fire escapes provided for in this act shall be under the direct supervision and control of said inspector of factories, and it shall be unlawful for any person or persons, firm or corporation to erect or construct any fire escape or escapes, except in accordance with a written permit first had and obtained and signed by said inspector of factories, which permit shall prescribe the number, location, material, kind and manner of construction of such fire escape.

§ 6. Any person or persons, firm or corporation, who shall be required to place one or more fire escapes upon any building or buildings, under the provisions of this act, shall file in the office of said inspector of factories a written application for a permit to erect or construct such fire escape or escapes, which application shall briefly describe the character of such building or buildings, the height and number of stories thereof, the number of fire escapes proposed to be placed thereon, the purposes for which such building or buildings is or are used, and the greatest number of people who use or occupy or are employed in such building or buildings above the second stories thereof at any one time.

§ 7. That an act entitled "An act relating to fire escapes for buildings," approved June 29, 1885, in force July 1, 1885, be and the same is hereby repealed.

APPROVED May 27, 1897.

## FISH.

## PROPAGATION AND CULTIVATION.

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| § 1. Unlawful for any person or persons to catch or kill any fish in any of the rivers, etc., by the use of lime, spear, acid, medical or chemical compound or explosives.<br>§ 2. Not to obstruct passage of fish.<br>§ 3. Suitable fish ways—commissioners—damages—penalty.<br>§ 4. Appointment and duty of wardens.<br>§ 5. Persons violating act to be prosecuted.<br>§ 6. Length of fish.<br>§ 7. Fishing without consent of owner—penalty. | § 8. How enforced—complaint.<br>§ 9. Where complaint to be made.<br>§ 10. When warrant to issue.<br>§ 11. Hearing complaint—judgment—juror.<br>§ 12. Penalty—collection and distribution of.<br>§ 13. When execution returns no property—arrest.<br>§ 14. Appeal.<br>§ 15. Penalty.<br>§ 16. Repeal—board of fish commissioners. |
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AN ACT to encourage the propagation and cultivation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person or persons shall place, or cause to be placed, or erected, any seine, weir, net, fish dam or other obstruction in or across any of the rivers, creeks, ponds, streams, lakes, sloughs, bayous, or other water or water courses within the jurisdiction of this State in such manner as will obstruct the free passage of fish up and down and through such water or water courses, and it shall be unlawful for any person to catch or take fish, except minnows for bait, with any device or means other than a hook and a line within one-half mile of any dam constructed across any of the rivers or creeks or other water courses within the jurisdiction of this State.

That it shall be unlawful for any person or persons, at any time, to catch or kill any fish in any of the rivers, creeks, ponds, lakes, sloughs, bayous or other water courses within the jurisdiction of this State by the use of lime, spear, acid, medical or chemical compound or explosives.

That it shall be unlawful for any person to catch or kill any fish in or upon any of the lakes or rivers within the jurisdiction of this State with any device or means when such waters are covered with ice.

That it shall be unlawful for any person to catch or kill, or attempt to catch or kill, any fish with any trammel net, seine or other device used as a seine, in or upon any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous or other water courses within the jurisdiction of this State. Nor shall the meshes of any weir, seine, basket or trap of any net or seine used for catching fish, except for catching minnows for bait, be less than two inches square:

*Provided, however,* that seining shall be lawful and allowed between the first day of July in each year and the fifteenth day of April in the following year, with seines, the meshes of which shall not be less than two inches square, in such rivers or streams as are used for navigation, within the jurisdiction of this State, and also in the navigable bays or lakes connected with such navigable streams within the jurisdiction of this State and not extending beyond the overflowed bottom of such rivers or streams: *Provided, also,* that it shall be lawful for the fish commissioners or persons authorized by them to take fish in any way, at any time, and in any such places, as they deem best for the purpose of propagation, distribution or destroying of objectionable fish.

It shall be unlawful for any person to buy, sell or have in possession any fish at any time which shall have been caught, taken or killed contrary to the provisions of this act, and any person so offending shall be deemed guilty of a misdemeanor and fined as provided in this act.

§ 2. NOT TO OBSTRUCT PASSAGE OF FISH.] That it shall be the duty of any person or persons who now own or control, or hereafter may erect or control, any dam or other obstruction across any of the rivers, creeks, streams, bayous or other water courses wholly within or running through this State in such manner as shall obstruct the free passage of fish up and down or through such water or water courses, to place or cause to be erected in or in connection with such dam or dams durable and efficient fish-ways, so that the free passage of fish up and down said waters may not be obstructed. All such fish-ways shall be maintained and kept in good repair by the person or persons so owning or controlling such dam or other obstructions, during the whole time for the existence of such dam or other obstructions as aforesaid so that said fish-ways shall at all times be open and free from obstruction for the passage of fish.

And in case the owner or persons controlling, operating or using any dam or other obstruction as aforesaid shall fail or refuse, after ten days' notice in writing by a majority of the fish commissioners of this State, to construct and keep in good repair durable and efficient fish-ways, as provided in this act, then the fish commissioners may construct, or cause to be constructed, durable and efficient fish-ways, or place the same in good repair, said work to be let by contract to the lowest responsible bidder, and may recover in an action of debt, in the name of the People of the State of Illinois, before any justice of the peace or any court of competent jurisdiction the cost of constructing or repairing such fish-way. Any person or persons or corporations owning or controlling any such dam or other constructions, who shall fail or refuse to comply with the provisions of this section with respect to the construction and maintenance in good repair of such fish-ways in any such dam, after having been notified in writing by the fish commissioners, or a majority of them, to construct or repair the same, shall be deemed guilty of a misdemeanor, and for each and every twenty days after such notification

that such person or persons shall neglect or refuse to comply with the provisions of this section in not erecting, maintaining and keeping in good repair such fish-ways, he or they shall be subject to a penalty of not less than twenty-five or more than two hundred dollars.

§ 3. SUITABLE FISH-WAYS—COMMISSIONERS—DAMAGES—PENALTY. ] All fish-ways built as provided in this act, if constructed to the satisfaction and approval of a majority of the fish commissioners, then every owner or person controlling such dam or other obstruction, as provided in this act, may obtain from such fish commissioners, or a majority of them, a certificate that such fish-way is constructed in compliance with this act, which certificate shall be a full protection against any prosecution for violation of this act for not providing a fish-way. Such certificate may be suspended at any time by the fish commissioners when such fish-way is not maintained or repaired as herein required. If such person or persons so owning or controlling any such dam or other obstruction shall fail to construct or maintain such fish-way to the satisfaction of the fish commissioners, or a majority thereof, then it shall be *prima facie* evidence of the violation of this act: *Provided*, that no owner or owners of any dam or dams shall be required by this act or any other act to construct or allow the construction of any fish-way in such manner as to endanger the permanent durability of such dam or dams, or to impair their usefulness. Nor shall they be required to construct or repair such fish-way by using some particular patent on which a patent fee is demanded, or to construct or repair such fish-way when high water or climatic conditions may render such work impracticable. The fish commissioners, or a majority of them, to determine whether or not such fish-way will endanger the permanent durability of such dam or impair its usefulness as to such high water or climatic conditions, and in case the owner or owners of such dam dissent to the decision of such fish commissioners, or a majority of them, then a board of arbitrators shall be chosen to determine such matters; one by the fish commissioners, or a majority of them, one by the owner or owners of such dam, and the two so chosen shall select a third within thirty (30) days after their selection; and if not so selected within thirty (30) days, then the third one shall be selected by the Governor of the State, and the decision of such arbitrators, so chosen, shall be final. If the owner or owners of such dam shall not choose the arbitrator as aforesaid within ten (10) days after notice in writing by the fish commissioners, or a majority of them, then the decision of the fish commissioners shall be final and conclusive. In case of the destruction or damage resulting to the dam by reason of the construction of a fish-way under the direction of the fish commissioners, such damage shall be repaired at the expense of the State.

§ 4. APPOINTMENT AND DUTY OF WARDENS. ] The Governor, on request of the fish commissioners, shall appoint fish wardens, who shall enforce all laws relating to fishes, arrest all violators thereof, prosecute all offenses against same. They shall have power to serve

processes against such offenders, and shall be allowed the same fees as constables for like service, and shall have power to arrest without warrant any person for violating any of the provisions of this act; but such wardens shall receive no fees, except in cases where convictions are obtained. Such fish wardens may be removed at any time by the Governor.

§ 5. PERSONS VIOLATING ACT TO BE PROSECUTED.] It shall be the duty of all sheriffs, deputy sheriffs, constables, fish commissioners and fish wardens to cause any person violating any of the sections of this act to be promptly prosecuted, and the several fish commissioners of this State shall have the power to arrest without warrant any person or persons for violation of sections two (2) and three (3) of this act.

§ 6. It shall be unlawful to sell, or offer for sale, any of the following named fishes mentioned below which are less than the length specified for each:

Black bass.....	eleven inches.
White or striped bass.....	eight inches.
Rock bass.....	eight inches.
Black or river croppie.....	eight inches.
White croppie.....	nine inches.
Yellow or ring perch.....	eight inches.
Wall-eyed pike or pike perch.....	fifteen inches.
Pike pickerel.....	eighteen inches.
Buffalo.....	fifteen inches.
German carp.....	thirteen inches.
Native carp.....	twelve inches.
Sunfish.....	six inches.
Red-eyed perch.....	six inches.
Catfish.....	thirteen inches.
White perch.....	ten inches.

And, provided further, that the possession of any of the above named species for the purpose of sale, or offering for sale, of less length than above designated shall be *prima facie* evidence of violation, and subject the party or parties having them in their possession to the penalties of the law hereinafter mentioned.

§ 7. FISHING WITHOUT CONSENT OF OWNER—PENALTY.] Any person or persons who shall, for the purpose of fishing, with seine or net, without the consent of the owner, trespass upon the lands of another containing any fish pond or lake, whether natural or artificial, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than twenty-five nor more than one hundred dollars and cost of suit for the first offense, and not less than fifty nor more than two hundred dollars for the second offense, and the same for each subsequent offense as for the second offense.

§ 8. HOW ENFORCED—COMPLAINT—AFFIDAVIT.] To enforce the provisions of this act, all suits brought under the same shall be brought in the name of the People of the State of Illinois, and shall



be brought on the complaint of any person or persons showing by affidavit that some section of this act has been violated, giving the names of the person or persons violating if known, and if unknown, such affidavit shall state by some person or persons whose name or names are unknown, and such complaint shall be made before any justice of the peace of the county in which such violation has been made.

§ 9. WHERE COMPLAINT TO BE MADE.] Where such violation is alleged to have been committed upon that portion of a stream or water course which may be the dividing line between two counties, then the complaint may be made to any justice of the peace of either of such counties.

§ 10. WHEN WARRANT TO ISSUE.] If the justice before whom such complaint shall be made shall be satisfied that there is reasonable cause to justify the making of such complaint, he shall issue his warrant, directed to the sheriff or constable of such county, commanding him forthwith to arrest and bring before him, or in his absence before some other nearest justice of the peace within such county, the person or persons alleged to have been guilty of violating any of the sections of this act.

§ 11. HEARING COMPLAINT—JUDGMENT—JUROR.] Whenever any person or persons shall be brought before any justice of the peace in the manner provided in this act, it shall be the duty of such justice to hear and determine the complaint. The person or persons so charged may demand a jury at any time before the commencement of the trial, and the case shall be tried as cases before justices in civil cases, and judgment shall be for conviction or acquittal of the defendant or defendants in the case. In case a jury is called, the form of the verdict shall be, if for conviction: "We, the jury, find the defendant guilty, and assess the fine at ..... dollars;" and if for acquittal: "We, the jury, find the defendant not guilty." The justice shall pronounce judgment in accordance with the verdict.

§ 12. PENALTY—COLLECTION AND DISTRIBUTION OF.] Whenever any judgment of conviction shall be rendered against any defendant or defendants as above provided, execution shall issue forthwith on such judgment, and the sheriff or constable to whom the same shall be directed shall pay one-half of all penalties collected on such execution in payment of such judgment to the person or persons who shall have made the complaint, and the remaining one-half to the superintendent of schools of the county wherein such trial shall be had.

§ 13. WHEN EXECUTION RETURNS NO PROPERTY—ARREST.] Whenever any execution, issued as above provided, shall be returned "no property found," the justice issuing the same, or in case of his death or absence, any other justice having possession of the docket in which said judgment was entered, shall issue his warrant to the sheriff or any constable of such county commanding him to take and deliver the defendant or defendants in the execution to the jailor of such county, who shall receive such defendant or defendants into his

custody and commit him to the county jail of such county, or work-house of such county, whenever one exists, for a period of not less than ten nor more than sixty days, as the justice shall decide and direct in his warrant; but such defendant or defendants so arrested or committed shall be discharged at any time on payment of such fine and costs.

§ 14. APPEAL.] Any defendant or defendants against whom such judgment of conviction shall be rendered, and in case of acquittal, the party making the complaint, or any person who will give necessary bond, shall have the right to appeal on the same terms as in civil cases before justices, but no proceedings herein provided for shall be stayed until such appeal shall be fully perfected.

§ 15. PENALTY.] Any person or persons violating any of the provisions of the preceding sections of this act, where no other penalty is provided, shall be deemed guilty of a misdemeanor, and, upon a conviction, shall be fined not less than twenty-five nor more than two hundred dollars for each offense.

§ 16. REPEAL—BOARD OF FISH COMMISSIONERS.] All acts and parts of acts in conflict with this act are hereby repealed; but such repeal shall not disturb the status of the present board of fish commissioners.

APPROVED June 11, 1897.

## FLAGS.

### UNITED STATES FLAGS TO BE PLACED ON PUBLIC BUILDINGS AND SCHOOL HOUSES.

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| <p>§ 1. On court houses, on every legal holiday and such other days as the board of supervisors or board of county commissioners may direct.</p> <p>§ 2. On penal, reformatory, State educational and State charitable institutions, on every legal holiday and such other days as the commissioners or trustees may determine.</p> <p>§ 3. On every school house or upon a flag staff erected within the school grounds, to be floated during school hours.</p> | <p>§ 4. Expense for flags—how paid.</p> <p>§ 5. Penalty for destroying any flag, flag staff or pole.</p> <p>§ 6. Acts of 1895 repealed.</p> |
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*AN ACT to provide for placing United States national flags on school houses, court houses and other public buildings in this State, and to repeal certain acts therein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of the board of supervisors in counties under township organization, and the board of commissioners in counties not under township organization, to provide United States national flags of not less than

four by eight feet in size, to be unfurled and kept floating from a suitable flag staff to be placed on the top of the court house in their respective counties, and it is hereby made the duty of the sheriff of each and every county in the State to see that the flag so provided shall be hoisted on its flag staff above the court house and kept floating from 8 o'clock a. m. to 5 o'clock p. m. on each and every legal holiday of the year and on such other days as the board of supervisors or the board of county commissioners may direct.

§ 2. The commissioners or trustees of all penal and reformatory, State educational and State charitable institutions of this State shall provide United States national flags of not less than ten by twenty feet in size and cause the same to be unfurled and kept floating above the said penal and reformatory, State educational and State charitable institutions, or on a suitable flag pole, from 8 o'clock a. m. to 5 o'clock p. m. on each and every legal holiday in the year and on such other days as the commissioners or trustees may determine.

§ 3. The directors or board of education of every school district in the State of Illinois shall have power to cause to be erected and to keep in repair upon all public school houses, or within the school grounds surrounding such public school buildings which may be in their respective school districts, a good and sufficient flag staff or pole, together with all necessary adjustments, and that they shall provide a United States national flag of not less than four by eight feet in size, which shall be floated from such flag staff or pole during the school hours of such days as the directors or board of education may determine: *Provided*, that the flag shall not be hoisted on any court house, State institution or public school building during any day when a violent storm or inclement weather would destroy or materially injure such flag.

§ 4. The flags used by any and all State institutions, as provided for in this act, shall be paid for out of the funds appropriated for the running expenses of said institutions the same as other necessary supplies are bought and paid for, and the flags for use over court houses and public school buildings are hereby declared to be necessary supplies, and may be paid for out of the public funds of the respective counties or school districts.

§ 5. Any person or persons who shall wilfully injure, deface or destroy any flag, flag staff or pole, or adjustments attached thereto, erected and arranged for the purpose of carrying out the requirements of this act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one (1) dollar nor more than fifteen (15) dollars.

§ 6. That an act entitled "An act to provide for placing the United States national flags on school houses, court houses and other buildings in the State," became a law June 26, 1895, in force July 1, 1895, and an act entitled "An act to require the United States flag to be placed upon all public buildings in Illinois, or upon:

a flag pole erected within the school grounds surrounding such school buildings," became a law June 26, 1895, in force July 1, 1895, be and the same are hereby repealed.

APPROVED June 2, 1897.

## GARNISHMENT.

§ 1. Amends section 14 of the Act of 1872, as amended by the Act of 1879, by providing that the wages of defendant, who is head of family, to the amount of \$8 per week shall be exempt.

*AN ACT to amend section 14 of an act entitled "An act in regard to garnishment," approved March 9, 1872, in force July 1, 1872, as amended by the act of May 31, 1879, in force July 1, 1879.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 14 of an act entitled "An act in regard to garnishment," approved March 9, 1872, in force July 1, 1872, as amended by the act of May 31, 1879, in force July 1, 1879, be and the same is hereby amended to read as follows:

Section 14 The wages for services of a defendant, who is the head of a family and residing with the same, to the amount of eight (8) dollars per week shall be exempt from garnishment. All above the sum of eight (8) dollars per week shall be liable to garnishment: *Provided*, the person bringing suit shall first make a demand in writing for the excess above the amount herein exempted. No cost or expenses shall be chargeable to the defendant unless he shall refuse to turn over to the creditor the amount due him above that herein exempted upon such written demand.

APPROVED June 14, 1897.

## ADMINISTRATORS AND EXECUTORS.

§ 1. Lawful to summon administrators and executors as garnishees.

*AN ACT in relation to the garnishment of administrators and executors.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter it shall be lawful to summon administrators and executors as garnishees, and they may be garnished with respect to any moneys, goods, chattels, lands, tenements or other estates belonging to any devisee or legatee under any will, or belonging to any heir or distributee of any estate; but no final judgment shall be rendered against such administrator or executor until after an order of distribution has been made by the county court out of which his letters testamentary or of administration issued.

No assignment, transfer or other disposition by an heir, legatee or devisee, of his distributive share, legacy or devise in the hands of any administrator or executor shall operate to defeat the garnishment of the same unless the said assignment, transfer or other disposition is reduced to writing and filed in the office of the clerk of the county court out of which such letters testamentary or of administration were issued before the service of process of garnishment upon such administrator or executor.

APPROVED June 11, 1897.

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## GENERAL ASSEMBLY.

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### POLICEMEN AND JANITORS.

§ 1. Provides for the number of extra policemen and janitors to be employed by the Secretary of State.

*AN ACT to regulate the number of extra policemen and janitors to be employed by the Secretary of State during the sessions of the General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That during the sessions of the General Assembly the Secretary of State is authorized to employ such number of extra policemen and janitors as may be necessary; the total number of said policemen and janitors not to exceed fifty-one; and that he be authorized to pay the said policemen and janitors a sum not to exceed two dollars per diem for time actually employed.

APPROVED June 10, 1897.

## HORSESHOEING.

## PRACTICE OF HORSESHOERS.

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| <p>§ 1. Unlawful to practice as a horseshoer without a license.</p> <p>§ 2. Board of examiners.</p> <p>§ 3. Officers of board.</p> <p>§ 4. Names to be registered with board.</p> <p>§ 5. Examination.</p> <p>§ 6. Qualifications.</p> <p>§ 7. License—how obtained.</p> <p>§ 8. Secretary of board to issue license.</p> | <p>§ 9. Prosecutions.</p> <p>§ 10. License fee.</p> <p>§ 11. Superintendent or foreman.</p> <p>§ 12. Apprenticeship.</p> <p>§ 13. Persons having served the apprenticeship of four years to appear before board of examiners for examination.</p> <p>§ 14. Duty of secretary.</p> <p>§ 15. To what towns and cities act applies.</p> |
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*AN ACT to insure the better education of practitioners of horseshoeing and to regulate the practice of horseshoers in the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person to practice as a horseshoer in this State unless such person shall have received a license to do so as hereinafter provided.

§ 2. A board of examiners, to consist of four practicing horseshoers and a veterinary surgeon, is hereby created, whose duty it shall be to carry out the provisions of this act, two of said horseshoers to be master horseshoers and two of them to be journeymen horseshoers, and a veterinary surgeon not to be engaged in the practice of horseshoeing during his term of service on said board, and in case that either of said journeymen horseshoers shall become a master horseshoer, or either of said master horseshoers shall become a journeyman horseshoer, during his term of office as herein provided, then he shall forfeit his membership on said board and his place shall be immediately filled in the manner provided for in the original appointment of said board. The members of said board shall be appointed by the Governor. The term for which the members of said board shall hold their office shall be five years, except that the members of said board first appointed hereunder shall hold their office for the term of one, two, three, four and five years, respectively, and until their successors shall be duly appointed. In case of vacancy occurring on said board, such vacancy shall be filled by the Governor.

§ 3. Said board shall choose one of its members for president, one for secretary and one for treasurer thereof, and it shall meet at least once in each year and as much oftener, and at such times and places, as it may deem necessary. A majority of said board shall constitute a quorum, and the proceedings thereof shall be at all times open to public inspection.

§ 4. It shall be the duty of every person who is engaged as a horseshoer in this State to cause his or her name and residence to be registered with said board of examiners within six months after

the date of the passage of this act, and said board of examiners shall keep a book for that purpose, and it shall be the duty of said board to know that the persons so registering are horseshoers, and every person who shall so register with said board as a horseshoer may continue to practice the same as such without incurring any of the penalties provided for in this act.

§ 5. No person whose name is not registered on the books of said board as a horseshoer within the time prescribed in the preceding section shall be permitted to practice as a horseshoer in this State until such person shall have been duly examined by said board and regularly licensed in accordance with the provisions of this act.

§ 6. The necessary qualification to practice as a horseshoer in this State shall be that the applicant has worked four years at the business of horseshoeing and has complied with section five of this act.

§ 7. Any and all persons who shall so desire may appear before said board at any of its regular meetings and be examined with reference to their knowledge and skill in horseshoeing, and if the examination of such person or persons shall prove satisfactory to said board, the said board shall issue to such person or persons a license to practice in this State as a horseshoer.

§ 8. The secretary of said board shall issue a license on the recommendation of two members of the board to any applicant upon the presentation by such applicant of the evidence of the necessary qualifications to practice as a horseshoer, and said board may provide such method of examination as it may deem wise, and such temporary license shall remain in force until the next regular meeting of said board occurring after the date of such temporary license, and no longer.

§ 9. Any person who shall violate the provisions of this act shall be liable to prosecution before any court of competent jurisdiction, and, upon conviction, may be fined not less than \$25.00 nor more than \$200.00 for each and every offense. All fines recovered under this act shall be paid into the common school fund of the county in which said conviction takes place.

§ 10. In order to carry out the provisions of this act and maintenance of the said board of examiners, the said board of examiners shall charge each person applying to or appearing before them for license to practice as a horseshoer a fee of \$5.00, and for each yearly renewal thereafter \$2.00, and out of the funds coming into the possession of the said board from the fees so charged the members of said board shall receive as compensation the sum of \$5.00 per diem for each and every day engaged in the discharge of the duties of their office, and all necessary expenses incurred by said board, and no part of the salary of said board or other expense shall be paid out of the State treasury. All moneys received in excess of said per diem allowance and other expenses above provided for shall be held by the treasurer of said board, he giving such bond as the board from time to time shall direct, and shall not be used or expended by him except as ordered by the

board, and said board shall make an annual report of its proceedings to the Governor by the 15th of December of each and every year, said report to show the names of all the horseshoers, their places of business, and the moneys received and disbursed by them pursuant to this act.

§ 11. Any person or persons not practical horseshoers desiring to engage in the business of horseshoeing will be permitted to do so, providing such person or persons employ as superintendent or foreman of their shoeing establishment a practical horseshoer who has complied with section 7 of this act by presenting himself before the board of examiners for examination and by proving to the board that he is entitled to a license to practice in this State as horseshoer.

§ 12. It is required that any person contracting to serve an apprenticeship at horseshoeing shall serve for four years, and in addition will be required (if convenient) to attend a course of lectures each year in some institution devoted to the anatomy of the horses' feet, so that he may obtain for himself a knowledge of the same, which is acknowledged by all practical horseshoers to be necessary in order to attain the high standard in horseshoeing which the passage of this act is intended to insure.

§ 13. All persons who have served the apprenticeship of four years, as prescribed in this act, shall, at the expiration of their apprenticeship, appear before the board of examiners for examination as to skill and knowledge of horseshoeing, and if found competent shall receive a license to practice horseshoeing in this State. Any applicant failing to pass the examination will be granted an extension of one year in which to qualify himself, and may appear before the board at any of its regular meetings for re-examination.

§ 14. It shall be the duty of the secretary of the board of examiners to notify all practicing horseshoers in the State of Illinois of the provisions of this act within six months after the board shall have been appointed.

§ 15. This act applies only to towns and cities of 50,000 inhabitants and over, but it shall be optional with all towns and cities of 10,000 or over to come under the provisions of this act.

APPROVED June 11, 1897.



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HUSBAND AND WIFE.

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ABANDONMENT OF WIFE AND CHILDREN.

§ 1. Amends section 3 of the Act of 1893 by providing that the wife shall be a competent witness.

AN ACT to amend an act entitled "*An act to prevent and punish abandonment of wife and children by husband,*" approved June 17, 1893, in force July 1, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 3 of an act to prevent and punish abandonment of wife and children by husband, approved June 17, 1893, in force July 1, 1893, be amended so as to read as follows:

No other evidence shall be required to prove that such husband was married to such wife, or that he is the lawful father of such child or children, than is, or shall be, required to prove said fact or facts in a civil action.

And such wife shall be a competent witness to testify in any case brought against such husband under this act and as to any and all matters relevant thereto, including the fact of such marriage and the parentage of such children.

APPROVED June 7, 1897.

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ABANDONMENT OF WIFE AND CHILDREN.

§ 1. Amends section 3 of the Act of 1893 by providing that the wife shall be a competent witness.

AN ACT to amend section three of an act entitled "*An act to prevent and punish abandonment of wife and children by husband,*" approved June 17, 1893, in force July 1, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 3 of an act entitled "*An act to prevent and punish abandonment of wife and children by husband,*" approved June 17, 1893, in force July 1, 1893, be amended so as to read as follows:

Section 3. No other evidence shall be required to prove that such husband was married to such wife, or that he is the lawful father of such child or children, than is, or shall be, required to prove said fact or facts in a civil action, and such wife shall be a competent witness to testify in any case brought against such husband under this act as to any and all matters relevant thereto, including the fact of such marriage and the parentage of such children.

APPROVED June 7, 1897.

## INSURANCE.

## FRATERNAL BENEFICIARY SOCIETIES.

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| <p>§ 1. Amends section 10 and 12, Act of 1893, and adds a new section to be known as section 7½.</p> <p>§ 7½. Change of articles of association submitted to and approved by the insurance superintendent—Filed in the office of the Secretary of State—certified copy recorded in the office of the recorder of deeds.</p> | <p>§ 10. Legislative bodies—members not allowed to cast more than fifteen votes by proxy.</p> <p>§ 12. Corporations subject to visitation and inspection by the insurance superintendent—Refusal or neglect to make annual reports—penalties—emergency.</p> |
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AN ACT to amend an act entitled "An act to provide for the organization and management of fraternal beneficiary societies for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members or accident or permanent indemnity disability to members thereof, and to control such societies of this State and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict herewith," by adding thereto an additional section hereby designated as section 7½, and amending sections 10 and 12 thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 10 and 12 of an act entitled "An act to provide for the organization and management of fraternal beneficiary societies, for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members, and accident or permanent indemnity disability to members thereof, and to control such societies of this State and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict therewith," approved June 22, 1893, in force June 22, 1893, be and the same are hereby amended to read as follows, and by adding thereto a new section to be described as section 7½:

§ 7½. Any corporation, association or society organized under the provisions of this act, amended by this section, may change its article of association in the manner prescribed by its own rules, but no such change shall be of legal effect until a certificate setting forth fully and definitely the changes proposed shall have been submitted to and approved by the insurance superintendent and filed in the office of the Secretary of State and a certified copy thereof recorded in the office of the recorder of deeds in the county in which the original certificate of association was recorded. Every corporation, association or society organized having adopted such change in its articles of association shall comply with the provisions of this section within sixty (60) days.

§ 10. Any such society organized under the laws of this State may provide for the meeting of its legislative or governing body in any other state, province or territory wherein such societies shall

have subordinate bodies, and all business that has heretofore or may hereafter be transacted at such meetings shall be valid in all respects as if such meeting was held within this State, and where the laws of any such society provide for the election of its officers by votes to be cast in its subordinate bodies, the votes so cast in its subordinate bodies in any other state, province or territory shall be valid as if cast within this State: *Provided, however,* that all meetings held within this State in any such society organized under this law or heretofore organized, no member shall be allowed to cast more than fifteen votes by proxy on any question submitted therein.

§ 12. All corporations to which this act is applicable, with their books, papers and vouchers, shall be subject to visitation and inspection by the insurance superintendent, or such person as he may designate. The insurance superintendent may address any inquiries to any such corporation in relation to its doings or condition, or any other matter connected with its transactions relative to the business contemplated by this act. All officers of such corporation shall promptly reply in writing to all such inquiries under the oath of its president, secretary or other officers, if required.

Any such society refusing or neglecting to make the annual report, as provided in this act, shall be excluded from doing business within this State. Said insurance superintendent must, within sixty days after failure to make such report, or in case any such society shall exceed its powers or shall conduct its business fraudulently or shall fail to comply with any of the provisions of this act, give notice in writing to the Attorney General, who shall immediately commence an action against such society to enjoin the same from carrying on any business. And any injunction may be granted upon proper showing in any court of competent jurisdiction in this State. No society so enjoined shall have authority to continue business until such report shall be made or overt act or violations complained of shall have been corrected, nor until the cost of such action be paid by it: *Provided,* the court shall find that such society was in default as charged, [as charged] whereupon the insurance superintendent shall reinstate such society, and not until then shall such society be allowed to again do business in this State. Any officer, agent or person acting for any society or subordinate body thereof within this State while such society shall be so enjoined or prohibited from doing business pursuant to this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$25 nor more than \$500, or by imprisonment in the county jail for not less than thirty days nor more than one year, or by both fine and imprisonment in the discretion of the court.

WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED May 27, 1897.

## INSURANCE, FIRE.

## COUNTY COMPANIES.

§ 1. Amends section 11 of the Act of 1877, as amended by the Act of 1887.

AN ACT to amend section eleven of an act entitled "*An act to organize and regulate county fire insurance companies,*" approved June 2, 1877, in force July 1, 1877, as amended by an act approved June 6, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eleven (11) of an act entitled "*An act to organize and regulate county fire insurance companies,*" approved June 2, 1877, in force July 1, 1877, as amended by an act approved June 6, 1887, in force July 1, 1887, be and the same is hereby amended to read as follows:

Section 11. Every member of such company who may sustain loss or damage by fire or lightning shall immediately notify the president of such company, or in his absence the secretary thereof, stating the amount of damage or loss claimed, and if not more than five hundred dollars (\$500), then the president and secretary shall proceed to ascertain the amount of such loss or damage and adjust the same. If the claim for damage or loss shall be an amount greater than five hundred dollars (\$500), then the president of such company, or in case of his absence the secretary thereof, shall forthwith appoint a committee of not less than three disinterested members of such company to ascertain the amount of such damage or loss, and the committee thus appointed shall report the amount of such damage or loss to the directors of such company, who shall be convened by the president, or in his absence by the secretary thereof, and the directors shall approve or reject the report of such committee. If, in either case, there is a failure of the parties to agree upon the amount of such damage or loss, or the directors reject the report of the committee, the claimant may appeal to the judge of the county court of the county in which the office of such company is located, whose duty it shall be to appoint three disinterested persons as a committee of reference, who shall have full authority to examine witnesses and determine all matters in dispute, and shall make their award in writing to the president of such company, and such award shall be final. The pay of said committee shall be two dollars (\$2.00) per day for each day's service so rendered and four cents for each mile necessarily traversed in the discharge of their duties, which shall be paid by the claimant unless the award of said committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case said expenses shall be paid by the company.

APPROVED June 9, 1897.

## FIRE, MARINE AND INLAND NAVIGATION COMPANIES.

§ 1. Amends section 26 of the Act of 1863.

AN ACT to amend section 26 of an act entitled "An act to incorporate and govern fire, marine and inland navigation insurance companies doing business in the State of Illinois," approved March 11, 1869, in force July 1, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act to amend section 26 [of an act to amend section 26] of an act entitled "An act to incorporate and govern fire, marine and inland navigation insurance companies doing business in the State of Illinois," approved March 11, 1869, in force July 1, 1869, be and the same is hereby amended to read as follows:

Section 26. Companies other than those organized under the laws of this State which may have received certificates of authority for the year 1869, prior to passage of this act, shall be permitted to continue to transact the business of insurance without further statement until the thirty-first day of January, 1870.

LIEN ON STOCK.] Any fire or fire and marine insurance company chartered by this State may have a lien, by passing a by-law to that effect, upon the stock or certificate of profits owned by any member for any debts hereafter to become due the said company for premiums, by stating that the said stock is subject to any such lien upon the certificates of stock or profits, and such lien may be waived, in writing, by the consent of the president of said company upon the transfer of any such stock.

STOCK IMPAIRED—REDUCTION OF STOCK.] Whenever it shall appear to the insurance superintendent of public accounts, from an examination made by him in the manner prescribed by law, that the capital stock of any joint stock company, organized pursuant to law, is impaired to an amount exceeding twenty-five per cent. of such capital, and he shall be of the opinion that the interest of the public will not be prejudiced by permitting such company to continue business with a reduced capital, it shall be lawful for such company, with the permission of the said insurance superintendent, to reduce its capital stock and the par value of the shares thereof, to such amount as the said insurance superintendent may, under his hand and official seal certify to be proper, and he, as shall in his opinion, be justified by the assets and property of such company: *Provided*, that no part of such assets and property shall be distributed to the stockholders: *And, provided further*, that the capital stock of any such company shall not be reduced to an amount less than the sum now required by law for the organization of a new company under the general insurance laws for the transaction of business at the place where such company is located, and of the kind which such company is authorized to transact. No reduction of the capital of any such

company shall be made except upon a resolution of its board of directors, approved by at least two-thirds of the directors, and certified under its corporate seal, signed by the president and at least two-thirds of the directors, and proved or acknowledged in the manner required by law for the proof or acknowledgment of conveyances, which certificate shall be filed in the office of said insurance superintendent before any action shall be had by him thereon. The insurance superintendent of public accounts, in case he shall permit any such company to reduce its capital in the manner provided in this act, shall execute the certificate required by this act in duplicate and deliver one of such certificates to the officers of such company, who shall forthwith file the same with the clerk of the county in which such company is located, and the other such certificate shall be filed in the office of said insurance superintendent. Such company, upon filing the certificate with the county clerk as required by this act, shall, with such reduced capital, possess the same rights and be subject to the same liabilities that it possessed or was subject to at the time of the reduction of its capital; and the charter of such company shall be deemed to be amended in respect to the amount of capital and the par value of the shares so as to conform to such reduction. It shall be lawful for the said company to require the return of the original certificate of stock held by each stockholder, and, in lieu thereof, to issue new certificates for such number of shares as each stockholder may be entitled to in the proportion that the reduced capital may be found to bear to the original capital of the company. It shall be lawful for any such company, after its capital shall be so reduced as aforesaid, to increase its capital stock in the mode prescribed by this law.

RECEIVERS, ETC., TO MAKE STATEMENTS.] It shall be the duty of all receivers and trustees of insurance companies, during the month of January in each year, and at any other time when required by the insurance superintendent, to make and file annual and other statements of their assets and liabilities, and of their income and expenditures, in the same manner and form and under the same penalties as the officers of such companies are now required by law to make annual and other statements to the superintendent's office.

PUBLICATION OF ANNUAL STATEMENTS.] And the said superintendent shall also cause its annual statements, required to be filed by this act, to be published in two newspapers of general circulation, the one printed in the city of Chicago and the other printed in the city of Springfield, not less than fifteen days.

APPROVED June 10, 1897.

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INTEREST ON PUBLIC FUNDS.

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## REPEAL OF ACT REQUIRING CUSTODIANS TO ACCOUNT FOR.

§ 1. Repeals Act of 1893.

AN ACT *to repeal an act, approved June 16, 1893, in force July 1, 1893.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act to compel State, county, city, township, school and park treasurers and other custodians of public funds to account for interest on such funds under their control;" approved June 16, 1893, and in force July 1, 1893, be and the same is hereby repealed.

APPROVED May 27, 1897.

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JUDGES.

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## COUNTY AND PROBATE.

§ 1. Unlawful for county or probate judge | § 2. Penalty.  
to act as attorney or solicitor.

AN ACT *in relation to county and probate judges.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any judge of any county or probate court in this State to act as attorney or solicitor for or against any widow or heirs or other person or persons interested in the estate of any deceased person, in respect to the estate real or personal of such deceased person, when administration on the estate of such deceased person is pending in said court and final settlement thereof has not been made.

§ 2. That any county or probate judge who shall violate the provisions of this act shall be fined not less than fifty dollars nor more than one thousand dollars, and upon conviction for the second offence shall be removed from his office.

APPROVED June 3, 1897.

## JURY COMMISSIONERS.

## APPOINTMENT.

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| <p>§ 1. Amends Act of 1887.</p> <p>§ 1. Judges of the several courts of record to appoint jury commissioners—Term of office.</p> <p>§ 2. Board shall prepare a list of jurors.</p> <p>§ 3. Rooms — Clerks — Deputy commissioners.</p> | <p>§ 4. Selection of grand and petit jurors.</p> <p>§ 5. Grand jury; names checked off.</p> <p>§ 6. Compensation of commissioners, deputies, clerks; number of assistants.</p> |
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AN ACT to amend an act entitled "*An act to authorize judges of courts of record to appoint jury commissioners and prescribing their powers and duties.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "*An act to authorize judges of courts of record to appoint jury commissioners and prescribing their powers and duties,*" approved June 15, 1887, be amended so as to read as follows:

§ 1. In every county of this State now containing, or which may hereafter contain, more than one hundred thousand (100,000) inhabitants, the judges of the several courts of record of such county, or a majority of them, shall choose three (3) competent and discreet electors, who shall not be by law exempt or disqualified from serving as jurors, and who shall not be so chosen on account of party affiliation, who shall be known as jury commissioners. Such commissioners shall, in counties now containing the required number of inhabitants, be so chosen on the first Monday of July, 1897, and in counties hereafter containing the required number of inhabitants such commissioners shall be so chosen on the first Monday of July after it shall have been determined by the last preceding national census that the inhabitants of such county are of the number required. Of the first three so chosen one shall hold his office for one year, one for two years, and one for three years, to be determined by lot, and every year thereafter one such officer shall be chosen for the term of three years. Each of such commissioners, before entering upon the duties of his office, shall take and subscribe to an oath of office before one of such judges and shall execute a bond to the People of the State of Illinois in such sum and with such sureties as shall be required by such judge and be by him approved, conditioned for the faithful discharge of his duties as such commissioner during his term of office. The majority of the judges of such county may remove either of such commissioners, assigning reasons therefor, and fill all vacancies occurring in the office of any such commissioner by death, resignation or removal.

§ 2. The said commissioners, upon entering upon the duties of their office, and every four years thereafter, shall prepare a list of all electors between the ages of twenty-one and sixty years, possessing



the necessary legal qualifications for jury duty, to be known as the jury list. The list may be revised and amended annually, in the discretion of the commissioners. The name of each person on said list shall be entered in a book or books to be kept for that purpose, and opposite said name shall be entered the age of said person, his occupation, if any, his place of residence, giving street and number, if any, whether or not he is a householder residing with his family, and whether or not he is a freeholder.

§ 3. The said commissioners are empowered to provide a suitable room or rooms in which to transact their business, and to incur all other necessary expenses, which shall be paid by warrants drawn as provided in section 6 of this act, and with the approval of said judges, or a majority thereof, to appoint a clerk and the requisite number of assistants. The clerk, if there be one, shall be on duty at the room or rooms of said commissioners each day during the session of court; if there be no clerk, then one at least of said commissioners shall, in like manner, be present, if so ordered by the court. The said commissioner shall have power, with the approval of the said judges or a majority thereof, to appoint a competent elector in each or any voting precinct or district, who shall be known as deputy jury commissioner, and whose duty it shall be to furnish said jury commissioners from time to time, as required, a list of the qualified electors residing in said voting precinct or district and such other information as may be required by said jury commissioners. The said jury commissioners shall also have power to summon electors to appear before them and to examine them touching their qualifications for jury service; and each of said commissioners, and their clerk and assistants provided for in this act, are hereby empowered to administer all oaths or affirmations required in the discharge of their official duties. Any circuit court of this State, in any county where this law is in force, or any judge thereof, either in term time or vacation, upon application of any such jury commissioners may, in the discretion of the court, compel the attendance of electors and the giving of testimony before the said jury commissioners by attachment for contempt or otherwise, in the same manner as the production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation as herein provided, shall swear or affirm wilfully, corruptly and falsely, shall be guilty of perjury, and upon conviction shall be punished accordingly.

§ 4. The said jury commissioners shall from time to time select from said jury list the requisite number of names, which shall each be written on a separate ticket, with the age, place of residence and occupation of each, if known, the whole to be put into a box to be kept for that purpose and to be known as the jury box. In like manner they shall select the necessary number of names from said jury list, which names shall each be written on a separate ticket, with the age, place of residence and occupation of each, if known, and put the whole into another box to be kept for that purpose and known as the grand jury box. The jurors so selected shall, as near as may be, be residents of different parts of the county, and of different occupations; and one or more of the judges of said court shall certify to the

clerk of the court the number of jurors required at each term. The said clerk shall then repair to the office of the jury commissioners, and, in the presence of at least two of said commissioners, and also in the presence of the clerk of said commissioners, if there be one, proceed to draw at random from said jury box, after the same shall have been well shaken, the necessary number of names, and shall certify the same to the sheriff, to be by him summoned according to law. If more jurors are needed during said term the court shall so certify, and they shall be drawn and summoned as above provided, forthwith: *Provided*, that it shall be the duty of said jury commissioners to have and maintain at all time in said jury box not less than fifteen thousand (15,000) names, and in said grand jury box not less than one thousand (1,000) names.

§ 5. Whenever a grand jury shall be required by law or by order of the court, it shall be drawn from the grand jury box and summoned in like manner as provided in the last section. At the end of each term of court the said jury commissioners shall ascertain the names of all persons who have served and all who have been excused as jurors during said term, and the names of such as have served shall be then checked off from the said jury list and shall not again be placed in either jury box until all others on said list shall have served or have been found to be disqualified or exempt, and the names of all who have been excused and who possess the qualifications for jury service shall be again placed in the jury box.

§ 6. The said jury commissioners, deputy jury commissioners clerk and assistants shall be paid for their services by the county treasurer of the several counties such compensation as shall be fixed by the county board, upon warrants drawn by the clerk of the county board. The said jury commissioners shall be allowed a reasonable sum every year for stationery and office expenses other than salaries, which shall be paid in like manner: *Provided, however*, that the compensation of any such commissioner shall not exceed fifteen hundred dollars per annum, and that the compensation of any such clerk shall not exceed two thousand dollars per annum, and of any assistant or assistants shall not exceed twelve hundred dollars per annum, and that the compensation of deputy jury commissioner shall not exceed the sum of three cents in any one year for full information about each elector: *And, provided further*, that the said judges, or a majority of them, shall prescribe the number of assistants to be employed by said jury commissioners.

APPROVED June 9, 1897.

## JUSTICES AND CONSTABLES.

## OF JUSTICES OF THE PEACE AND CONSTABLES.

Article I. Election and term of office.

§ 2. Emergency.

§ 1. Amends section 1 of article I of the Act of 1895.

AN ACT to amend section one (1) of article one (I) of an act entitled "An act to revise the law in relation to justices of the peace and constables," approved June 26, 1895, in force July 1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois; represented in the General Assembly:* That section one (1) of article one (I) of an act entitled "An act in relation to justices of the peace and constables," approved June 26, 1895, in force July 1, 1895, be and the same is hereby amended to read as follows:

## ARTICLE I.

## ELECTION AND TERM OF OFFICE.

JUSTICES AND CONSTABLES.] SECTION 1. That on the first Tuesday in April, A. D. one thousand eight hundred and ninety-seven, and at each quadrennial election for town officers thereafter, there shall be elected in each town in counties under township organization (except as to justices of the peace in the city of Chicago, in Cook county), and on Tuesday next after the first Monday in November, A. D. one thousand eight hundred and ninety-seven, and on the same day quadrennially thereafter, there shall be elected in each election precinct in counties not under township organization, two justices of the peace and two constables, and one justice of the peace and one constable for every one thousand inhabitants exceeding two thousand inhabitants of such town or precinct: *Provided*, no more than five justices of the peace and five constables shall be elected in any town or precinct, and that in towns containing any portion of the city of Chicago there shall be elected in addition to said five constables one additional constable for each additional ten thousand inhabitants of such towns exceeding ten thousand inhabitants, and no more.

The term of office of justices of the peace and constables shall be four years and until their successors are elected and qualified. In counties under township organization their terms shall commence on the first Monday in May, and in counties not under township organization on the first Monday of December after their election. No justice of the peace shall hold the office of police magistrate.

§ 2. WHEREAS, An emergency exists, this act shall be in force from and after its passage.

APPROVED March 19, 1897.

## LANDLORD AND TENANT.

§ 1. Provides that the executors or administrators may recover from their under tenant.

AN ACT *in relation to landlord and tenant.*

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* When a tenant for life shall demise any lands and shall die on or after the day when any rent becomes due and payable, his executors or administrators may recover from the under-tenant the whole rent due, but if any such tenant for life shall die before the day when any rent is to become due, his executors or administrators may recover the proportion of rent which accrued before his death, and the remainder-man shall recover for the residue.

APPROVED June 11, 1897.

## LIBRARIES.

### ESTABLISHMENT OF LIBRARY BY CITY.

§ 1. Amends section 1 of the amended Act of 1872 by providing that the tax levied after the year 1896 shall not exceed one mill on the dollar annually.

AN ACT *to amend section one of "An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, as amended by an act approved June 17, 1887, and as amended by an act approved May 25, 1889, and as amended by an act approved March 26, 1891, and as amended by an act approved June 15, 1895.*

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of "An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, as amended by an act approved June 17, 1887, and as amended by an act approved May 25, 1889, and as amended by an act approved March 26, 1891, and as amended by an act approved June 15, 1895, be and the same is hereby amended so as to read as follows:

§ 1. That the city council of each incorporated city, whether organized under general law or special charter, shall have power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed two mills on the dollar annually on all the taxable property in the city: *Provided*, that in cities of over one hundred thousand inhabitants, after the year 1896, such tax shall not exceed

one mill on the dollar annually, such tax to be levied and collected in like manner with the general taxes of said city, and to be known as the library fund: *Provided*, that the said annual library tax in cities of over three thousand inhabitants shall not be included in the aggregate amount of taxes as limited by section one (1) of article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872, and the amendatory acts thereto, or by any provision of any special charter under which any city in this State is now organized.

APPROVED June 10, 1897.

## LICENSE.

### SHANTY BOATS AND OTHER WATER CRAFTS.

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| <p>§ 1. Person occupying shanty boats or other water craft to obtain a license from the county clerk.</p> <p>§ 2. License to describe the kind or character of boat or water craft.</p> | <p>§ 3. Clerk granting license to keep record.</p> <p>§ 4. Fines.</p> |
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*AN ACT to license shanty boats and other water craft, fixing the fees therefor and providing penalties.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be and is hereby made unlawful for any person to occupy any boat or other water craft upon the Ohio, Mississippi, Wabash, Illinois or other navigable river, lake or other water course, within this State, as a residence, or for the purpose of engaging in any business, trade or traffic, for any purpose whatsoever, without first obtaining from the clerk of the county court of the county in which such boat or water craft is to lie or ply, and such business, trade, traffic or residence is to be carried on, a license so to do for each head of family for himself and his family, which license shall be granted only upon satisfactory proof of the character of the applicant and the payment of a license fee of five dollars and the clerk's fee for making out such license: *Provided*, that this act shall not apply to any steam vessels or boats used exclusively for ferry purposes. Said license shall be good for one year from the date thereof. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than five nor more than twenty days, for each offense, or both so fined and imprisoned at the discretion of the court or jury.

§ 2. The license provided for in the first section of this act shall describe the kind or character of the boat or water craft, the nature of the business, trade, traffic or residence to be carried thereon and

the points at which or between said boat or craft may lie or ply, and such license shall be posted in a conspicuous place in or on such boat.

§ 3. The clerk granting such license shall keep a record thereof showing the name of the licensee, the date of the license and when the same shall expire, and the business, trade, traffic or residence authorized, and for issuing such license he shall charge a fee of one dollar.

§ 4. All fines collected under this act shall be turned into the common school fund of the county in which such fines are collected.

APPROVED June 10, 1897.

## LUNATICS.

### COMMITMENT AND DETENTION.

§ 1. Amends section 12 of the Act of 1893.

AN ACT to amend section twelve of an act entitled "An act to revise the law in relation to the commitment and detention of lunatics, and to provide for the appointment and removal of conservators, and to repeal certain acts therein named," approved June 21, 1893, in force July 1, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section twelve of an act entitled "An act to revise the law in relation to the commitment and detention of lunatics, and to provide for the appointment and removal of conservators, and to repeal certain acts therein named," approved June 21, 1893, in force July 1, 1893, be and the same is hereby so amended as to read as follows, to-wit:

Section 12. If any person alleged to be insane, whose mental condition shall be sought to be determined under the provisions of this act, shall be possessed of any estate, real or personal, it shall be lawful for the persons filing an application for an inquest in lunacy in his case to make at the same time application for the appointment of a conservator of such alleged lunatic, and it shall be lawful for the court, if the said alleged lunatic shall be adjudged to be insane, to make an appointment of a conservator upon the same judgment, and to exercise in respect thereto all the power contained in an act entitled "An act to revise the law in relation to lunatics, idiots, drunkards and spendthrifts," approved March 26, 1874, in force July 1, 1874, and such conservator shall perform the duties and incur the liabilities imposed by such act upon conservators appointed thereunder: *Provided*, that in any county wherein a probate court has been or may hereafter be established, upon the filing in such court of the proper petition, together with a duly certified copy of the record of the verdict of the jury or the report of the commission of physicians and the judgment of the county court thereon finding

such person insane, such probate court may in its discretion, without further inquest by jury or commission of physicians, appoint such conservator.

And every note, bill, bond or other contract by any person adjudged to be insane under the provisions of this act, made after such person had been adjudged insane under this act, shall be void as against the said lunatic and his estate; but the person making any contract with such lunatic shall be bound thereby.

APPROVED June 10, 1897.

## MACHINERY.

### USE OF BLOWERS UPON METAL POLISHING MACHINERY.

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| <p>§ 1. Emery wheels or emery belts to be provided with blowers.</p> <p>§ 2. When to be fitted with a sheet of cast iron hood or hopper.</p> <p>§ 3. Suction pipe.</p> | <p>§ 4. Velocity of air.</p> <p>§ 5. Duty of factory inspector, sheriff, constable or prosecuting attorney.</p> <p>§ 6. Penalty.</p> |
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AN ACT to compel the using of blowers upon metal polishing machinery.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all persons, companies or corporations operating any factory or workshop where emery wheels or emery belts of any description are used, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers, or similar apparatus, which shall be placed over, beside or under such wheels or belts in such a manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation directly to the outside of the building or to some receptacle placed so as to receive and confine such dust: *Provided*, that grinding machines upon which water is used at the point of the grinding contact shall be exempt from the provisions of this act, and, *Provided*, this act shall not apply to small shops employing not more than one man in such work.

§ 2. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet of cast iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels,

or will be thrown into such hood or hopper by centrifugal force and be carried off by the current of air into a suction pipe attached to same hood or hopper.

§ 3. Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter with four-inch [such] suction pipe; wheels from twenty-four inches to thirty-six inches in diameter with five-inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full size to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan, connected with such suction pipe or pipes, shall be as large or larger than the suction pipe.

§ 4. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide the necessary fans or blowers to be connected with such pipe or pipes, as above set forth, which shall be run at a rate of speed as will produce a velocity of air in such suction or discharge pipes of at least nine thousand feet per minute to an equivalent suction or pressure of air equal to raising a column of water not less than five inches in a U-shaped tube. All branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less, the main suction or trunk pipe shall be below the emery or buffing wheels and as close to the same as possible, and to be either upon the floor or beneath the floor on which the machines are placed to which such wheels are attached. All bends, turns or elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

§ 5. It shall be the duty of any factory inspector, sheriff, constable or prosecuting attorney of any county in this State in which any such factory or workshop is situated, upon receiving notice in writing signed by any person having knowledge of such facts, accompanied by the sum of one dollar as compensation for his services, that such factory or workshop is not provided with such appliances as herein provided for, to visit any such factory or workshop and inspect the same, and for such purpose they are hereby authorized to enter any factory or workshop in this State during working hours, and upon ascertaining the facts that the proprietors or managers of such factory or workshops have failed to comply with the provisions of this act, to make complaint of the same in writing before a justice of the peace or police magistrate having jurisdiction, who shall thereupon issue his warrant, directed to the owner, manager or director, in such factory or workshop, who shall be thereupon proceeded against for the violation of this act and hereinafter mentioned, and it is made the duty of the prosecuting attorney to prosecute all cases under this act.



§ 6. Any such person or persons or company, or managers, or directors of any such company or corporation who shall have the charge or management of such factory or workshop, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars and not exceeding one hundred dollars.

APPROVED June 11, 1897.

## MILITARY CODE.

§ 1. Amends the Act of 1879 as follows:

### ARTICLE I.

Liability, enrollment and exemption.

### ARTICLE II.

Organization.

### ARTICLE III.

Appointments—elections, rules and regulations.

### ARTICLE IV.

Parades and encampments.

### ARTICLE V.

Rifle practice.

### ARTICLE VI.

Arms and armories.

### ARTICLE VII.

Courts martial.

### ARTICLE VIII.

Retired list.

### ARTICLE IX.

Pay and allowances.

### ARTICLE X.

Mobs and riots.

### ARTICLE XI.

General provisions.

AN ACT to revise the *Military and Naval Code of the State of Illinois*.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Military Code of Illinois and other laws bearing upon the military and naval forces of this State be amended, re-enacted and consolidated so as to read as follows:

## THE MILITARY CODE OF ILLINOIS.

### ARTICLE I.

#### LIABILITY, ENROLLMENT AND EXEMPTIONS.

Section 1. All able-bodied male citizens of this State between the ages of eighteen and forty-five years, except such as are expressly exempted by the laws of the United States, or are State or

county officers, or on account of their profession or employment are exempted by the commander-in-chief, shall be subject to military duty and designated as the Illinois State Militia.

§ 2. When it is necessary to execute the laws, suppress insurrection or repel invasion, or to quell riots, or when a requisition shall be made by the President of the United States for troops or seamen, the Governor, as commander-in-chief, may, by his proclamation, require the enrollment of the unorganized militia of the State, or such portion thereof as may be necessary, and he shall appoint necessary enrolling officers and prescribe their duties, issuing all proper orders that may be required in the premises. He may designate the place of rendezvous, provide for the organization of the land forces of the militia into companies, battalions, regiments and brigades, and the naval forces into divisions, ships' crews and squadrons, and their equipment, as the case may require. The militia, when called into active service, shall receive the same pay and allowances as is provided for like troops in the service of the United States.

§ 3. Every officer, non-commissioned officer, musician, private or enlisted man of the Illinois National Guard and the naval force of Illinois shall be exempt from jury duty, from payment of road labor and head or poll tax of every description during the time he shall hold a commission as officer or be enrolled as an enlisted man in the Illinois National Guard or the naval force of Illinois; the exemption from jury duty shall continue after discharge for a period equal to that honorably completed in the National Guard or the naval force of Illinois. The uniforms, arms and equipments of every member of the Illinois National Guard or naval force of Illinois shall be exempt from all suits, distresses, executions or sales for debt or payment of taxes. The members thereof shall in all cases, except treason, felony or breach of the peace, be privileged from arrest and imprisonment by civil authority while under orders in the active service of the State from the date of the issuing of such orders to the time when such service shall cease.

## ARTICLE II.

### ORGANIZATION.

Section 1. The land forces of the organized militia shall be designated as the "Illinois National Guard," and shall consist of not more than twenty-two battalions of infantry, one battalion of artillery, one squadron of cavalry, a company of engineers, one company of signal troops, a medical department and hospital corps.

The naval force of the organized militia shall be designated as the "Naval Militia of Illinois," and in time of peace shall consist of not more than two ships' crews or complements, four divisions constituting a ship's crew or complement, being in all eight divisions: *Provided*, the commander-in-chief shall have the power, in case of war,

insurrection, invasion, or imminent danger thereof, to increase the said naval forces beyond such limit of two ships' crews or complements, and to organize the same as the exigencies of the case may require.

The commander-in-chief may transfer, consolidate, muster out, disband and make such other changes in the organization of the Illinois National Guard and the naval force of Illinois from time to time as the best interests of the service may require, and shall make such brigade and regimental organization as may be necessary for the land forces and such squadron and ships' crew organization as may be necessary for the naval forces: *Provided*, that the number of general officers appointed to carry out such organization shall never exceed three.

§ 2. The staff of the commander-in-chief shall consist of an adjutant general, with the rank of brigadier general, who shall be *ex-officio* chief of the staff, commissary general and quartermaster general, an inspector general, a surgeon general, a judge advocate general, one general inspector of rifle practice, each with rank of colonel; one aide from each congressional district, each with rank of colonel, and one assistant adjutant general, with rank of colonel: *Provided*, that no employé of the State or a county, while drawing his salary as such, shall receive any pay by reason of any service in the militia of the State.

The adjutant general shall issue and transmit all orders of the commander-in-chief with reference to the militia or military or naval organizations of the State, and shall keep a record of all officers commissioned by the Governor, and of all general and special orders and regulations, and of all such matters as pertain to the organization of the State militia and the Illinois National Guard and the naval forces of Illinois, and perform the duties of an adjutant, commissary and quartermaster general. He shall have charge of the State arsenal, arsenal grounds and all military camps and rifle ranges, and shall receive and issue all ordnance and ordnance stores and camp and garrison equipage on the order of the commander-in-chief. He may appoint, with the approval of the Governor, an ordnance sergeant at a salary of not more than eight hundred dollars per annum, who shall, under the direction of the adjutant general, aid and assist him in the discharge of his duties.

The adjutant general shall receive for his services the sum of three thousand dollars per annum. He shall have charge of and carefully preserve the colors, flags, guidons and military trophies of war belonging to the State, and shall not allow the same to be loaned out or removed from their proper place of deposit. He shall furnish, at the expense of the State, all proper blank books, blanks and forms and such military and naval instruction books as shall be approved by the commander-in-chief. He shall, also, on or before the first day of October next preceding the regular session of the General Assembly, make out a full and detailed account of all the transactions of his office, with the expenses of the same for the preceding two years, and such other matters as shall be required by the Governor, and

shall also report at such other times as the Governor may require. He shall reside at the State capital, and shall hold his office during the pleasure of the Governor.

§ 3. The staff of a brigade shall consist of assistant adjutant general, with rank of lieutenant colonel; judge advocate, with rank of lieutenant colonel; assistant inspector general, with rank of lieutenant colonel; inspector of rifle practice, with rank of lieutenant colonel; quartermaster, with rank of major; commissary of subsistence, with rank of major, and two (2) aides-de-camp, each with rank of first lieutenant.

§ 4. A regiment of infantry shall consist of one colonel, one lieutenant colonel and a regimental staff consisting of one adjutant, with the rank of captain; one quartermaster, with the rank of captain; one inspector of rifle practice, with the rank of captain; one chaplain, one sergeant major, one quartermaster sergeant, one ordnance sergeant, one commissary sergeant, one chief trumpeter, one color sergeant, one band, and not less than two nor more than three battalions, of not less than eight nor more than twelve companies.

§ 5. A battalion of infantry shall consist of one major and a battalion staff consisting of one adjutant, with the rank of first lieutenant; one sergeant major, one quartermaster sergeant, one trumpeter sergeant, and not less than two nor more than four companies.

The commissioned staff of an unassigned battalion shall be the same as that of a regiment, except that the rank of its members shall be that of first lieutenant; the non-commissioned staff shall be the same as that of a regiment.

§ 6. A company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, two musicians, one corporal for every seven privates; thirty-five privates as a minimum and eighty-four privates as a maximum.

§ 6½. A regiment of cavalry shall consist of one colonel, one lieutenant colonel and regimental staff consisting of one adjutant, with rank of captain; one quartermaster, with rank of captain; one ordnance officer, with rank of captain; one chaplain, one veterinary surgeon, with rank of captain; one sergeant major, one quartermaster sergeant, one ordnance sergeant, one commissary sergeant, one color sergeant, one saddler sergeant, one farrier sergeant, one chief trumpeter, one band, not less than two squadrons of not more than eight troops.

§ 7. A squadron of cavalry shall consist of one major and a commissioned staff the same as that of an unassigned battalion, a non-commissioned staff the same as that of an unassigned battalion, with the addition of one farrier sergeant, one saddler sergeant, and not less than two nor more than four troops.

A troop shall consist of the same officers and number of privates as a company of infantry. One farrier, one blacksmith and one saddler may be appointed from privates.

§ 7½. A battalion of artillery shall consist of one major and a commissioned staff the same as that of an unassigned battalion, a non-commissioned staff the same as that of an unassigned battalion or squadron of cavalry.

§ 8. A battery of artillery shall consist of one captain, one first lieutenant and one second lieutenant for each platoon, one first sergeant, one quartermaster sergeant, one veterinary sergeant, four artificers, two trumpeters, two or three platoons of two guns each with their caissons, with the following allowance for each gun and caisson: One sergeant, two corporals, six to ten cannoneers, four to eight drivers.

§ 9. A band shall consist of: One chief musician, two principal musicians, one drum major, with the rank of sergeant, not less than twelve nor more than twenty-four privates.

§ 10. A company of engineers shall consist of one captain, three first lieutenants, six sergeants, ten corporals, seventy privates.

§ 11. A company of signal troops shall consist of one captain, three first lieutenants, six sergeants, ten corporals, seventy privates.

§ 12. The medical department shall consist of one surgeon general, with the rank of colonel; three assistant surgeon generals, with the rank of lieutenant colonel; ten surgeons, with the rank of major; ten assistant surgeons, with the rank of captain; twenty-five assistant surgeons, with the rank of first lieutenant. The hospital corps shall consist of fifty hospital stewards, one hundred privates. After five years' service the assistant surgeons shall be entitled to the rank and pay of captains.

§ 13. The rank of no officer or non-commissioned officer now in service shall be reduced by reason of the change in organization.

§ 14. The naval force of Illinois shall be commanded by an officer with the rank of captain, who shall have the power to appoint a staff, consisting of a chief of staff, with the rank of commander; a navigating officer, with the rank of lieutenant commander; an ordnance and equipment officer, with the rank of lieutenant; a signal officer, with the rank of lieutenant of the junior grade; a secretary to the captain, with the rank of lieutenant of the junior grade; an aide to captain, with the rank of ensign; a surgeon, with the relative rank of lieutenant; a paymaster, with the relative rank of lieutenant; an engineer, with the relative rank of lieutenant; a chaplain, with the relative rank of lieutenant. There shall be also attached to the captain's staff the following petty officers: One master-at-arms, who shall be the chief petty officer of the naval force; one gunner's mate, one equipment yeoman, one apothecary, one ship's armorer, two torpedo electricians, four machinists, one chief quartermaster, one coxswain and one chief bugler.

§ 15. Each ship's crew or complement of four divisions shall be commanded by an officer with the rank of commander. To each ship's crew or complement there shall be allowed the following additional commissioned officers, viz.: One lieutenant commander, who

shall be the executive officer; one lieutenant, who shall be the navigating and ordnance officer; one ensign, who shall be aide to the commander, and a staff, to consist of one passed assistant surgeon, not more than two assistant surgeons, one passed assistant engineer and one chaplain. Passed assistant surgeons, passed assistant paymasters, passed assistant engineers and chaplains shall have the relative rank of lieutenant; assistant surgeons shall have the relative rank of ensigns. There shall be allowed to each ship's crew or complement such number of petty officers as the commander-in-chief shall, from time to time, order and direct. To each division there shall be one lieutenant, one lieutenant of the junior grade, two ensigns, one bugler and thirty-five petty officers and men as a minimum, and one hundred petty officers and men as a maximum. Each division shall contain at least eight men with a practical knowledge of electricity, and eight others with a practical knowledge of the construction and management of steam machinery.

§ 16. Executive officers, navigating and ordnance officers, signal officers and aides-de-camp shall not be deemed to be staff officers, but shall be line officers, and, as such, entitled to assume command. Navigating and ordnance officers shall have rank and precedence without regard to date of commission, over all of the same grade; acting executive and navigating and ordnance officers shall be entitled to the same rank and precedence, while so acting, as officers regularly commissioned as such.

§ 17. The organization of the naval force shall conform generally to the provisions of the laws of the United States, and the system of discipline and exercise shall conform, as nearly as may be, to that of the navy of the United States as it now is or may hereafter be prescribed by Congress. When not otherwise provided for, the government of the naval force shall be controlled by the provisions of the military code as now applied to the State forces. The Governor shall have the power to alter, divide, annex, consolidate or disband the same whenever, in his judgment, the efficiency [of the] forces will thereby be increased, and he shall have power to make such rules and regulations as may be deemed proper for the use, government and instruction of the naval forces; but such rules and regulations shall conform to the provisions of this act, and, as nearly as practicable, to those governing the United States army.

§ 18. Whenever the naval force of the State or any part thereof shall be in the field or afloat upon actual service, the senior officer of the forces present shall command the same, and whenever operating or acting in conjunction with the land forces of the State, the senior officers present, according to relative rank of either forces, shall command the whole, unless otherwise specially ordered or directed by the commander-in-chief or other competent military or naval authority. But no officer of the staff shall be entitled by virtue of his rank to assume command when officers of the line are present and capable of assuming command, unless expressly authorized so to do by law or by the terms of his commission where an officer of similar

rank and position in the United States naval service would not be entitled to assume command unless by express direction of the commander-in-chief or other competent authority.

§ 19. The uniform of the naval force shall conform to the regulations in force for the navy of the United States, subject to such changes as the commander-in-chief may approve.

§ 20. When the government of the United States is ready to supply arms and equipment, as well as the material and opportunities for naval instruction and drills, the Governor is hereby authorized to make the necessary arrangements for carrying such program into effect. The duty of the naval force required by law, or any part of it, may be performed afloat in the United States vessels. Officers and men of the naval force mustered temporarily into the service of the United States for instruction and drill, and receiving compensation therefor from the United States, shall not, during the same time, be entitled to compensation or allowance from the State.

§ 21. The Governor is authorized to apply to the President of the United States for the detail of commissioned and petty officers of the navy to act as inspectors and instructors in the art of naval warfare.

§ 22. The commander-in-chief shall have the power to assign any officer, warrant or petty officer, or seaman of the United States navy, detailed for or assigned to duty with the naval force as instructor or otherwise, to such duties as he may deem proper and suitable, and shall have power to confer on any such officer, warrant or petty officer, or seaman, such rank in the naval service of the State during such detail or assignment as he may deem best.

§ 23. The captain commanding the naval force may prescribe such examination for promotion or appointment to any warrant or petty office on the captain's staff as he may deem proper, and may detail officers to conduct such examinations. Officers commanding ships' crews or complements shall have the same power with regard to chief petty officers of the ship's crew or complement and petty officers of divisions.

§ 24. In addition to ships' buglers and division buglers, there shall be allowed to the naval force, as soon as two ships' crews or complements shall have been fully equipped and established, a band of not to exceed twenty-four musicians, who shall be under the direct command and supervision of the captain, and shall be carried on the captain's muster rolls as attached to his staff.

### ARTICLE III.

#### APPOINTMENTS—ELECTIONS.

##### RULES AND REGULATIONS.

Section 1. The appointment and commission of all commissioned officers shall be subject to the approval of the commander-in-chief. He shall appoint and commission the members of his staff, who will

hold office during his pleasure. He shall appoint and commission the general officers, who shall hold their offices until removed for cause, resignation or retirement. All staff officers shall be appointed and commissioned by the commander-in-chief, upon the recommendation of their immediate commanders, which commissions shall expire when the nominating officers or their successors shall make nominations for the respective offices, and such nominations shall be confirmed by the commander-in-chief.

Non-commissioned staff officers of regiments or independent battalions of infantry, squadron of cavalry, and battalion of artillery of the national guard shall be appointed by warrant, by the commanders of regiments or battalions or squadron, as the case may be.

Regimental officers above the rank of captain shall be elected by the line officers of the regiment, and shall hold their offices for five years.

Company officers shall be elected by the members of their companies, and shall hold office for three years.

All non-commissioned officers of companies, on recommendation of their captain, shall be appointed by warrant by the commander of the regiment, unassigned battalion, squadron of cavalry or battalion of artillery.

The assistant surgeon generals shall be recommended for appointment by the surgeon general and by him assigned to the staff of general officers: *Provided*, that such assignment is first approved by the general officer with whom such assistant surgeon general is to serve; the remaining officers of this department, upon the recommendation of regimental, unassigned battalion, squadron or battalion commanders and the surgeon general. They will be assigned among the regiments whenever needed. The officers of this department shall hold their offices for the term of five years.

§ 2. Whenever any company of the Illinois National Guard shall be reduced to a number of less than the minimum herein provided, uniformed and active members, to be ascertained by an inspection, it may be disbanded, or consolidated with another company, by the commander-in-chief.

§ 3. The commander-in-chief is hereby authorized to make rules and regulations for the government of the military and naval forces of this State, but such rules and regulations shall conform to the laws of this State, and, as nearly as practicable, to the regulations for the army and navy of the United States.

§ 4. The organization, equipment, discipline and government of the Illinois National Guard and of the naval force of Illinois, not otherwise provided for in this act, or in general regulations, shall conform to the regulations, customs and usages of the army and navy of the United States.

§ 5. All meetings for the election of officers shall be ordered by the commander-in-chief. The orders therefor shall be addressed to



an officer of his command to preside at such meeting, who shall, at least one week previous thereto, send a notice thereof, by mail, to each person entitled to vote thereat. The voting shall be by ballot, and a majority of all votes cast shall be necessary to elect, and the result thereof shall be forthwith returned by the officer presiding, through the regimental or battalion commander or commander of the naval force, to the Adjutant General. If there shall be a failure to elect any officer at two meetings ordered therefor, the commander-in-chief may fill the vacancy by direct appointment. If the officer designated to preside at such meeting shall not appear thereat, the senior officer shall preside.

§ 6. An examining board of three or more competent officers, appointed by the commander-in-chief, shall convene at such times and places as he shall direct, and examine, in military tactics, all commissioned officers below the rank of brigadier general who shall be ordered before it. The commander-in-chief shall give at least one week's notice to all such officers to appear thereat. Said board shall, in twenty days after such examination, make a detailed report of its result to the commander-in-chief, who may revoke appointments of all officers failing to pass an examination satisfactory to said board. If any officer shall fail to appear for examination, on receiving proper notice, he may be allowed an opportunity for an examination at the next session of the board, if he shall give a satisfactory excuse for his absence: *Provided*, that no officer who has passed a satisfactory examination shall be re-examined.

§ 7. Enlistments therein shall be for three years, re-enlistments, after three years' service, for one or more years, and will be made by signing enlistment papers prescribed by the Adjutant General, and by taking the following oath or affirmation, which may be administered by any commissioned officer, to-wit:

"You do solemnly swear (or affirm) that you will bear true allegiance to the United States and the State of Illinois, and that you will support the constitution thereof; that you will serve the State of Illinois faithfully in its military service for the term of three years, unless sooner discharged, or you cease to be a citizen thereof; that you will obey the orders of the commander-in-chief and such officers as may be placed over you and the laws governing the military forces of the State of Illinois, so help you God."

§ 8. Any soldier or seaman who shall not receive an honorable discharge shall not be re-enlisted until his disability shall be removed.

§ 9. The captain shall be appointed by the commander-in-chief. Commanders, lieutenant commanders, lieutenants to act as navigators and aides to the commander shall be chosen by the commissioned officers of their respective ships' crews or complements; lieutenants of the junior grade and ensigns shall be chosen by the officers and enlisted men of their respective divisions. Petty officers shall be nominated, appointed and examined and, if found qualified, warranted in like manner as non-commissioned officers in the national guard. The time and place of holding elections shall be fixed by and in accordance with the military code of the State.

## ARTICLE IV.

## PARADES AND ENCAMPMENTS.

Section 1. The commanding officer of each regiment, battalion, company, troop or battery of the national guard or ship's crew or division of the naval force may order weekly evening drills.

§ 2. The commander-in-chief may order a tour of camp duty for the national guard, or cruise for ships' crews of the naval force of not less than six nor more than ten days, annually.

§ 3. The commanding officer of any encampment or parade may cause those under his command to perform any field or camp duty he shall require, and may put under arrest during such encampment or parade any member of his command who shall disobey a superior officer or be guilty of disorderly or unmilitary conduct, and any other person who shall trespass on the parade or encampment ground or in any way interrupt or molest the orderly discharge of duty by the members of his command, and he may prohibit the sale of all spirituous or malt liquors within one mile of such encampment and enforce such prohibition by force if necessary: *Provided, however,* that nothing herein contained shall be construed to interfere with the regular business of any liquor dealer whose place of business shall be situated within said limits before the commencement of said encampment.

## ARTICLE V.

## RIFLE PRACTICE.

Section 1. The general inspector of rifle practice shall have charge of rifle practice throughout the State; shall direct the manner in which the same shall be conducted.

§ 2. The brigade, regimental and battalion inspectors of rifle practice shall perform such duties as may from time to time be prescribed by the general inspector of rifle practice.

§ 3. Such inspector of rifle practice shall be paid as hereinafter prescribed, the same as for camp duty, subject to the approval of the commander-in-chief. The expense of procuring and maintaining proper rifle ranges, procuring ammunition, the necessary printing and all other things deemed proper for the promotion of rifle practice by the Illinois National Guard shall be paid for from the military fund on bills of particulars approved by the commander-in-chief.

## ARTICLE VI.

## ARMS AND ARMORIES.

Section 1. Upon the muster in of any new organization in the Illinois National Guard or any ship's crew, or division of the naval force of Illinois, on the requisition of its commanding officer and the approval of the Governor the Adjutant General shall issue all neces-

sary ordnance stores: *Provided, however,* that when any arms or munitions are delivered to any commander, he shall execute and deliver to the Adjutant General a bond, payable to the People of the State of Illinois, in a sufficient amount and with sufficient security, to be approved by the Governor, conditioned for the proper use of such arms and munitions, and the return of the same, when requested by the proper officers, in good order, wear, use and unavoidable loss and damage excepted. All such arms and munitions shall be kept at the company or regimental division or ship's crew armory.

§ 2. The inspector general shall critically inspect, whenever directed by the commander-in-chief, every branch connected with the military service, including armories, arsenals and military storehouses; and he shall report to the Adjutant General the improvement in discipline and tactical instruction of the Illinois National Guard and the naval force of Illinois.

§ 3. The entire Illinois National Guard and the naval force of Illinois and all armories, ordnance stores and camp equipage belonging to the State shall be inspected at least once in each year, under such rules and regulations as may be provided by the inspector general, with the approval of the commander-in-chief, and all the necessary traveling expenses incurred therein shall be paid on requisition in the same manner as hereinafter provided for.

§ 4. Commanders of regiments, battalions, troops, batteries or separate companies shall furnish to the inspector general such information as he may require as to the number and kind of arms, equipments and military property of the State issued to their respective regiments, battalions, troops, batteries or separate companies; and at the inspection of any armory, arsenal or military storehouse, if the inspector general finds the property which ought to be kept therein, or any part of it, missing, injured or unfit for use, or deficient in any respect, he shall forthwith report the facts in respect thereto to the Adjutant General.

§ 5. In his annual report the inspector general shall state what general and field officers have been in command of parades and encampments, what changes of general and field officers have been made, and what degree of improvements has been attained by both officers and men, and whether the general regulations have been observed, together with such other suggestions as he may see fit to make.

§ 6. The brigade inspectors, whenever required by the inspector general, shall report to him the condition of their respective brigades, and shall, also, upon his request, report to him upon any matter properly belonging to his department which may require examination within their respective brigades. All such reports shall be addressed to the inspector general, but shall be forwarded through brigade commanders.

§ 7. The armory of each regiment, battalion, company, ship's crew or division shall be subject to the order of the Adjutant General, be under the charge of its commanding officer, who shall keep therein

all property furnished by the State; and no company or division shall be furnished with arms or equipments until a suitable armory shall be provided for their deposit; nor shall such arms be loaned or taken from such armories by individual members of the companies. Any officer, non-commissioned officer or private of the Illinois National Guard or the naval force of Illinois knowingly making any false certificate, or false returns of State property in his hands, or neglecting or refusing to apply all money drawn from the State Treasurer for the purpose named in the requisition therefor, shall be deemed guilty of embezzlement, and shall be punished in the manner as provided for that offense in the criminal code of this State.

§ 8. Armories of the naval forces shall be situated immediately on or near navigable waters of the State, in such position as best to promote the efficiency of the service. The word "armory," as used in this section and in any part of this act, when applied to the naval forces, shall be held to include a vessel used as an armory for the purpose of instruction, drill and defense.

## ARTICLE VII.

### COURTS MARTIAL.

Section 1. General courts martial for the trial of commissioned officers shall be ordered by the commander-in-chief and shall consist of seven officers, a majority of whom shall constitute a quorum.

§ 2. General courts martial for the trial of enlisted men shall be ordered by the commander-in-chief, and shall consist of five officers, any three of whom shall constitute a quorum.

§ 3. The commanding officer of a brigade, regiment or unassigned battalion may appoint a summary court, to consist of one commissioned officer of his command, for the trial of enlisted men.

§ 4. A general court martial shall have jurisdiction to try all offenses against the military law, breaches of order or discipline or neglect of duty. On conviction of any such offenses the court may impose one or more of the following punishments: Cashierment and dismissal of officers; reduction of non-commissioned officers to the ranks; reprimand, dishonorable discharge, with or without disqualification from holding military office; fine not exceeding one hundred dollars, and in default of payment, imprisonment in the county jail not exceeding thirty days.

§ 5. A summary court martial shall have jurisdiction to try minor offenses against military discipline; and, upon conviction, the court may impose one or more of the following punishments: Reprimand, forfeiture of whole or part of pay and a fine not exceeding five dollars, or, in default of payment after approval, imprisonment not exceeding three days.

§ 6. All proceedings of courts martial shall be forwarded to and receive approval of the officer ordering the same, before the sentence can go into effect, and such officer may remit, mitigate or commute such sentence.

§ 7. Witnesses for the prosecution or defense may be summoned to attend by subpoena signed by the judge advocate. Any witnesses, duly summoned, who shall fail to appear and testify, may be, by warrant of the president of the court, directed to the sheriff, or any constable, arrested and treated as in like cases before civil courts. The fees of all witnesses shall be the same as allowed in civil cases, to be taxed, with the necessary expenses of the judge advocate and the court, by the president of the court, and paid by the State Treasurer, on the Auditor's warrant, to the judge advocate, who shall pay all the expenses of the trial when received by him.

§ 8. It shall be the duty of any general court martial or summary court, after the sentence of any such court martial shall have been duly approved, to issue his warrant for the collection of all fines imposed by such court martial, directed to the sheriff or any constable of the county wherein the person against whom such is imposed resides, and such officer shall collect all such fines in the same manner as he is authorized to collect debts in civil suits, and he shall make return within twenty days after receiving the same to the officer issuing such warrant. In default of the payment of any such fine, or if the officer executing such warrant shall certify that there is no property of the defendant out of which to satisfy such warrant, then the officer issuing such warrant shall issue his warrant of commitment, directed to such sheriff or constable, who shall forthwith take the body of such delinquent and convey him to the common jail of such county, and make return thereof to such court.

§ 9. It shall be the duty of the keeper and wardens of all county jails to receive and confine all military offenders when delivered by such sheriff or constable under proper warrant of commitment for and during the term of sentence set forth in such commitment. No such imprisonment shall exceed a period of thirty days, and the officer ordering the court that imposed such fine may liberate such prisoner at any time.

§ 10. Enlisted men fined by a military court who shall neglect or refuse to pay such fine within forty days after the same has been imposed may be dishonorably discharged from the service.

§ 11. All fines levied and collected under the provisions of this article shall be paid to the [to the] Treasurer of the State, who shall credit the same to the military fund of the State.

§ 12. Summary courts for enlisted men shall be appointed by the commanding officer of each ship's crew or complement for his command. An officer of the naval force or a judge advocate of the national guard may be assigned to act as judge advocate of a general court martial or a court of inquiry. General court martials, courts of inquiry and delinquency courts for officers may be wholly or partly composed of officers junior in rank to the officer to be tried or investigated, where, in the judgment of the commander-in-chief, the interest of the service so requires.

## ARTICLE VIII.

## RETIRED LIST.

Section 1. Any commissioned officer who shall have served for the period of ten years may, upon his own request, be placed upon a retired list and withdrawn from active service and command, and the vacancy thereby created shall be filled in the same manner as other vacancies.

## ARTICLE IX.

## PAY AND ALLOWANCES.

Section 1. When in actual service for the suppression of riot and the enforcement of the laws, and when on duty under orders of the commander-in-chief, and it is so specified in said orders, officers of the Illinois National Guard and of the naval force of Illinois shall receive the same pay as provided by law for officers of the United States army and navy of like grade, and the enlisted men of the Illinois National Guard and of the naval force of Illinois shall receive two dollars (\$2.00) per day for each day's service actually so performed, said payment to be made on rolls prescribed by the Adjutant General.

§ 2. The officers shall receive one-half the pay provided by law for officers of like grade in the army and navy of the United States, and enlisted men shall receive one dollar (\$1.00) for each day's service, with transportation and necessary subsistence, at any encampment or cruise authorized by law, and in going to and returning from the same, and while under orders of the commander-in-chief or other proper authority for the purposes and in the manner herein provided: *Provided*, nothing in this act shall be construed as to allow pay to officers or men for more than ten days during any one year, except during a time of riot, insurrection or invasion, or while on duty under orders from the commander-in-chief.

§ 3. For each day's duty when under orders from the commander-in-chief, or as a witness or a defendant under summons from the president or judge advocate of a court martial, officers and men shall be paid as hereinbefore provided for camp duty or cruise.

## ARTICLE X.

## MOBS AND RIOTS.

Section 1. Whenever there is in any city, town or county a tumult, riot, mob or body of men acting together by force with attempt to commit a felony, or to offer violence to persons or property, or by force or violence to break or resist the laws of the State, or when such tumult, riot or mob is threatened, and the fact is made to appear to the Governor, it shall be his duty to order such military or naval force as he may deem necessary to aid the civil authorities in suppressing such violence and executing the law.

§ 2. Whenever the military or naval forces shall be ordered out by the Governor on any application of a civil officer as aforesaid, or otherwise, they shall report to such civil officer as the Governor shall designate, and shall act in strict subordination to such civil authority in preserving the peace, quelling riots, or executing the law, and may arrest any person or persons on view without process, and hold them in custody until, by order of the commander-in-chief, such person or persons shall be discharged from custody, or delivered over to the civil authorities; and whenever necessary to suppress riot, disperse the mob, restore the peace and execute the law, may use such force as may be necessary.

§ 3. All orders from civil officers to military or naval commanders shall contain only the specific act to be performed by the military or naval officer. The manner of performing the said act shall be left to the discretion of the military or naval officer. Military and naval commanders shall transmit a copy of such orders at once through channels to the commander-in-chief.

§ 4. If any person shall molest, interrupt, or insult by abusive words or behavior, or shall obstruct any officer or soldier or seaman while on duty or at any parade or drill, he may be put immediately under guard, and kept, at the discretion of the commanding officer, until the duty, parade or drill is concluded; and such commanding officer may turn over such person to any sheriff, or to a police officer or constable of the county, city or town wherein such duty, parade or drill is held, to be dealt with as the law directs.

§ 5. Any person or persons composing or taking part in any riot, rout, tumult, mob or lawless combination or assemblage, who, after being commanded to disperse, wilfully and intentionally fails to do so as soon as practicable, is guilty of a felony, and shall, on conviction, be imprisoned in the penitentiary for not less than one nor more than two years.

§ 6. It shall be unlawful for any person to assault, or fire upon, or throw any missile at, against or upon any member or body of the national guard or naval force, or civil officer or other person lawfully aiding them, when going to, returning from, or assembled for performing any duty under the provisions of this chapter; and any person so offending shall be guilty of a felony, and must, on conviction, be imprisoned in the penitentiary for not less than two years nor more than five years.

§ 7. If any portion of the national guard or naval force, or person lawfully aiding them in the performance of any duty, under the provisions of this chapter, are assaulted, attacked, or in imminent danger thereof, the commanding officer of such national guard or naval force may at once proceed to quell such attack and disperse the attacking parties, and take all other needful steps for the safety of his command.

§ 8. If any member of the national guard or naval force shall be prosecuted by civil or criminal action for any act performed by such member while in the performance of his military duty and in pur-

suance thereof, the action against such member shall be defended by the Attorney General. Upon the approval of the Attorney General, the costs and expenses of any such defense shall be audited by the Secretary of State and paid out of the State treasury.

## ARTICLE XI.

### GENERAL PROVISIONS.

Section 1. No military company or division of the naval force shall leave the State with arms and equipments without the consent of the commander-in-chief.

§ 2. It shall not be lawful for any body of men whatever, other than the regularly, organized volunteer militia of this State, the troops of the United States, Grand Army posts or camps Sons of Veterans, to associate themselves together as a military company or organization, or to drill or parade with arms, in this State: *And, provided further*, that students in educational institutions where military drill is part of the course of instruction may, with the consent of the Governor, drill and parade with arms in public, under command of their military instructor: *Provided*, that nothing here contained shall be construed so as to prevent benevolent or social organizations from wearing swords.

§ 3. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men with arms, shall be punished by a fine not exceeding the sum of ten dollars (\$10) or by imprisonment in the common jail for a term not exceeding six months, or both.

§ 4. All military and naval property issued by the State shall be used only in the discharge of military duty, and any non-commissioned officer or enlisted men who shall wilfully and wantonly injure or destroy, secrete, sell or attempt to sell, retain after proper demand made, or in any manner pawn or pledge and [any] such military property, shall be tried by court martial, and upon conviction shall be sentenced to pay a fine of not exceeding one hundred dollars, and in default of the payment of such fines may be imprisoned in the county jail not exceeding thirty days.

§ 5. Any person not a member of the national guard, the army of the United States, the Grand Army of the Republic or the Sons of Veterans or naval force, who shall wear any uniform or designation of rank in use by the national guard and naval force issued or authorized in this act shall forfeit to the People of the State one hundred dollars.

§ 6. If a soldier or seaman, in time of peace, habitually absents himself for the space of four months from all drills or parades of his company, he may be considered a deserter, and shall be reported to the Adjutant General through the regular military channels.



§ 7. If a soldier or seaman on duty by the proper authority for the suppression of insurrection, preservation of the peace or similar duty, wilfully absents himself from his company for more than twenty-four hours, he may be considered a deserter.

§ 8. And therefore an emergency exists, and this law shall be in effect from and after its passage.

APPROVED June 11, 1897.

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## MILK.

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### STANDARD OF ANALYSIS.

§ 1. Provides what the standard of analysis of milk shall be.

*AN ACT to fix the standard of analysis for milk.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the standard of analysis for milk in this State as to ingredients and preparations shall be: Water, eighty-eight per cent; milk solids, twelve per cent; and such milk solids shall contain not less than three per cent of butter fat. When contracts are made for milk purchased within this State, for delivery within or without this State, no other standard shall be used except by special contract in writing.

APPROVED June 7, 1897.

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## MINES AND MINING.

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### COAL MINERS.

§ 1 Miner to produce satisfactory evidence that he has worked two years as a practical miner.	§ 2 Penalty.
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*AN ACT in relation to the safety and the competency of coal miners, and to punish for infraction of the same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That from and after the passage of this act every person desiring to work by himself in rooms of coal mines in this State shall first produce satisfactory evidence to the mine manager of the mine in which he is employed, or desires to be employed, that he has worked at least two (2) years with or as a practical miner. Until said applicant has so satisfied the mine manager of the mine in which he seeks such employment of his competency, he shall not be allowed to mine coal, unless accompanied by some competent coal miner, until he becomes duly qualified.

§ 2. Any violation of section one (1) of this act shall work a forfeiture of the certificate of the manager of the mine where any such party or parties are employed.

APPROVED June 7, 1897.

#### DUTIES OF INSPECTORS.

§ 1. Amends section 11 of the Acts of 1879, 1883 and 1891, by providing that mine owners shall comply with all the conditions and sanitary regulations required under existing laws.

AN ACT to amend section eleven e (11e) of an act entitled "An act to amend section eleven (11) of an act entitled 'An act providing for the health and safety of persons employed in coal mines,' approved May 28, 1879, in force July 1, 1879, as amended by an act approved June 18, 1883, and an act approved June 30, 1885, and to repeal section two (2) of an act entitled 'An act to require inspectors of mines to furnish information to the State geologist and to provide for paying of the expenses of the same,'" approved June 18, 1891, approved June 15, 1895, in force July 1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eleven e (11e) of the amended act of 1895, entitled "An act to amend section eleven (11) of an act entitled 'An act providing for the health and safety of persons employed in coal mines,' approved May 28, 1879, in force July 1, 1879, as amended by an act approved July 18, 1883, and an act approved June 30, 1885, and to repeal section two (2) of an act entitled 'An act to require inspectors of mines to furnish information to the State geologist and to provide for paying the expenses of the same,'" approved June 18, 1891, approved June 15, 1895, in force July 1, 1895, be and the same is hereby amended so as to read as follows:

Section 11e. It shall be unlawful for any person, company or corporation to operate any coal mine in this State, where more than five men are employed at any one time, without first having complied with all the conditions and sanitary regulations required under existing laws, and paying all inspection fees provided for in this section, and in case of the refusal of any person, company, corporation, owner, agent or operator to pay said inspection fees, after assuming to operate a coal mine, it shall be the duty of the mine inspector in said district, through the State's Attorney of the county or any other attorney, in case of his refusal promptly to act, to proceed on behalf of the State against such person, company, corporation, owner, agent or operator of said mine by injunction, without bond, to restrain said person, company, corporation, owner, agent or operator from continuing, or attempting to continue, to operate said mine or carry on a mining business.

APPROVED June 7, 1897.

## PAY OF MINERS, DUTIES OF INSPECTORS.

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| <p>§ 1. Miners to be paid in lawful money of the United States.</p> <p>§ 2. Duties of mine inspectors.</p> | <p>§ 3. Penalty.</p> |
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*AN ACT to provide for the payment of coal miners for all coal mined by them, and providing additional duties for mine inspectors.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person engaged in mining coal for any coporation, company, firm or individual, shall be paid in lawful money of the United States for all coal mined and loaded into the mine car by such person for such corporation, company, firm or individual, including lump, egg, nut, pea and slack, or such other grades as said coal may be divided into, at such price as may be agreed upon by the respective parties.

§ 2. It shall be the duty of the mine inspector to ascertain whether or not the provisions of section one of this act are being complied with in his district, and if he shall find that any corporation, company, firm or individual are violating the provisions of section one of this act, it shall be his duty to at once have instituted suit in the name of the People of the State of Illinois, in some court of competent jurisdiction, for the recovery of the penalty provided for in this act, and it shall be the duty of the State's Attorney of the county in which such suit is brought, when notified by the mine inspector, to prosecute such suit as provided by law in other State cases.

§ 3. Every corporation, company, firm or individual violating the provisions of this act shall be fined not less than twenty-five nor more than two hundred dollars for each offense.

APPROVED June 3, 1897.

## MORTGAGES.

## RELEASE OF MORTGAGE ON REAL OR PERSONAL PROPERTY.

§ 1. Amends section 8 of the Act of 1874.

*AN ACT to amend section eight (8) of chapter ninety-five (95) of the Revised Statutes of the State of Illinois, entitled "An act to revise the law in relation to mortgages of real and personal property," approved March 26, 1874, in force July 1, 1874.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eight (8) of chapter ninety-five (95) of the Revised Statues [statutes] of the State of Illinois, entitled "An act to revise the law in relation to mortgages of real and personal property," approved March 26, 1874, in force July 1, 1874, be amended so the same will read as follows:

RELEASE ON MARGIN OF RECORD.] Section 8. Every mortgagee of real or personal property, his assignee of record, or other legal representative, having received full satisfaction and payment of all such sum or sums of money as are really due to him from the mortgagor, and every trustee, or his successor in trust, in a deed of trust in the nature of a mortgage, the notes, bonds or other indebtedness secured thereby having been fully paid, shall, at the request of the mortgagor, or grantor, in a deed of trust in the nature of a mortgage, his heirs, legal representatives or assigns, enter a release or satisfaction upon the margin of the record of such mortgage or deed of trust in the recorder's office, which release or satisfaction shall be attested upon the margin of said record by the recorder of said county, and when so attested shall forever thereafter discharge and release the same, and shall bar all actions or suits brought or to be brought thereupon. All releases of mortgages and deeds of trust which have heretofore been made on the margin of record, in accordance with the provisions of this section, shall be held legal and valid, and shall have the same force and effect as if made under the provisions of this section as amended.

APPROVED June 10, 1897.

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## OFFICIAL BONDS.

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### SURETYSHIP.

§ 1. Provides for the payment of the cost of any official bond.

*AN ACT to authorize the payment of the cost of corporate suretyship upon official bonds.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the State, or any county, township, municipality, public board or body may pay out of the funds of said State, county, municipality, township or board the cost of any official bond furnished by any officer of said State, county, township, municipality, public board or body required by the laws, rules or regulations thereof to execute the same, in case said officer shall furnish the same with a surety company or companies authorized to do business in this State under the laws thereof, said cost not to exceed, however, one-half of one per cent. per annum on the amount of said bond or obligation by said surety executed.

APPROVED June 7, 1897.

## PARDONS.

## STATE BOARD.

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| <p>§ 1. Appointment and term of office.</p> <p>§ 2. Board to appoint clerk and stenographer—Salary.</p> <p>§ 3. Rooms.</p> <p>§ 4. Rules and regulations—Record of proceedings.</p> <p>§ 5. Petitions and requests for pardons and commutations to be addressed to the Governor.</p> <p>§ 6. Meetings of board.</p> <p>§ 7. Board to hear application—Report to Governor.</p> | <p>§ 8. Record of report and recommendation to be kept in the office of the board—Board not to act as a court of review.</p> <p>§ 9. Act not to deprive the Governor of the right to hear any application in the case of a death sentence.</p> <p>§ 10. Salary of members of the board—Mileage.</p> <p>§ 11. Appropriates \$11,000 per annum to pay the members of the board and the secretary, etc.—How drawn.</p> |
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*AN ACT to create a State board of pardons, and to regulate the manner of applying for pardons and commutations.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of providing further regulations relative to the manner of applying for pardons, reprieves and commutations of sentences, as contemplated in section 13, article 5 of the Constitution, there is hereby created a board of pardons, to consist of three persons, not more than two of whom shall belong to the same political party to be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold office for the term of three years, respectively, and until their successors are appointed and confirmed, except that the first members of said board shall be appointed for terms of one, two and three years respectively, and thereafter one member shall be appointed each year. Whenever any vacancy shall occur on said board such vacancy shall be filled by the Governor for the unexpired portion of the term in the manner provided for the original appointment. The Governor may remove any member of said board from office for misconduct, incompetency or neglect of duty; and two members of said board shall constitute a quorum for the transaction of business.

§ 2. Said board shall appoint a clerk, whose duty it shall be to receive, file and safely keep all papers and documents relating to pardon cases ready for the use of said board; to keep a record of the proceedings, decisions and recommendations of said board, and to perform such other duties as the board may prescribe. Said clerk shall receive a salary of \$2,000 per annum, to be paid in equal monthly installments. For stenographer, \$720 per annum.

§ 3. The Secretary of State shall set apart and properly furnish a room in the State capitol for the use of said board, and shall provide all needful books and stationery required for the transaction of their business.

§ 4. Said board of pardons shall make all such rules and regulations for the orderly conduct of their business as may be deemed necessary. They shall cause proper records to be kept in their office of their acts and proceedings, and shall hear all applications for pardons and for the commutations of sentences in the order in which they are filed; but they shall have power to take up any application out of its regular order where the exigencies of the case may require it.

§ 5. All petitions and requests for pardons and commutations shall be addressed to the Governor, as heretofore, and as to form, accompanying statements, publication of notice, etc., shall be governed by the act of May 31, 1879, entitled "An act to regulate the manner of applying for pardons, reprieves and commutations," except that the three weeks' notice provided in that act to be given shall have reference to the hearing before the board of pardons, and not the Governor; and every such petition or request shall, before its actual presentation to the Governor, be filed and kept in the office of the board of pardons for the preliminary action of said board as contemplated by this act.

§ 6. The regular meetings of said board of pardons shall be held on the second Tuesdays of the months of January, April, July and October in each year, and the members may be called in special meetings at any time at the summons of the Governor or the chairman of the board.

§ 7. Said board of pardons shall, upon due public notice, give a full hearing to each application for pardon or commutation filed with it, allowing representation by counsel, if desired, after which they shall, without publicity, make report upon each case to the Governor, accompanying such report with the original petition and all accompanying papers and documents, and in such report shall be embodied the conclusions and recommendations of the board, with their reasons therefor briefly stated, not less than two members concurring therein; but this shall not deprive the third member of the right to file a dissenting recommendation with the Governor. Such report of the board to the Governor shall be advisory to him in his constitutional action upon the case.

§ 8. A full record of the report and recommendation made in each case shall be kept in the office of said board of pardons. Said board shall in no case assume to act as a court of review to pass upon the correctness, regularity or legality of the proceedings in the trial court which resulted in conviction, but shall confine itself to a hearing and consideration of those matters only which properly bear upon the propriety of extending clemency by the Governor in the case.

§ 9. Nothing in this act shall be construed as depriving the Governor of the right to hear any application made directly to him for a reprieve in the case of a death sentence where the exigencies of the case require such reprieve, in order to give the said board of pardons the time and opportunity to properly investigate the case.

§ 10. Each member of said board shall receive a salary of \$2,000 per annum, payable in equal monthly installments, together with five cents per mile for every mile traveled in going to and returning from the meetings of the board, but no other fee, allowance or perquisite whatever.

§ 11. The sum of \$11,000 per annum, for the two years beginning July 1, 1897, is hereby appropriated out of any money in the treasury, not otherwise appropriated, to provide for the salaries and mileage of the members of said board and the salary of the secretary and necessary incidental expenses of the secretary's office, and the Auditor of Public Accounts is hereby authorized and instructed to draw his warrant on the treasury for the allowance of said salaries and expenses upon the presentation of proper vouchers approved by the Governor, equal monthly installments.

APPROVED June 5, 1897.

## PARKS.

### BOUNDARIES OF LINCOLN PARK.

§ 1. Amends section 20 of the Act of 1869.

§ 2. Emergency.

§ 20. Governor to appoint 7 commissioners  
—Term of office.

AN ACT to amend section 20 of an act to fix the boundaries of Lincoln Park in the city of Chicago, and provide for its improvement, approved February 8, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section twenty of an act to fix the boundaries of Lincoln Park in the city of Chicago, and provide for its improvement, approved February 8, 1869, be amended to read as follows:

Section 20. That the Governor shall nominate, and by and with the advice and consent of the Senate, appoint, seven (7) commissioners of Lincoln Park, and who shall hold such office for five years and until their successors are duly appointed and qualified; no member of said board shall receive any compensation for his services.

§ 2. WHEREAS, An emergency exists requiring this act to take immediate effect, therefore be it enacted that this act shall take effect from and after its passage.

APPROVED June 8, 1897.

## PARKS AND BOULEVARDS.

## BONDS FOR COMPLETION.

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| § 1. Corporate authorities may issue bonds. | § 4. Sinking fund.      |
| § 2. Bonds—How issued.                      | § 5. Purchase of bonds. |
| § 3. Interest on bonds.                     |                         |

AN ACT to authorize the corporate authorities of towns to issue bonds for the completion and improvement of public parks and boulevards, and to provide a tax for the payment of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in any town which is now included within the limits of any city in this State, where the boundaries and limits of any such town are co-extensive with the boundaries and limits of any park district in which a board of park commissioners shall now exist having authority by law to acquire, hold, improve and maintain land and the appurtenances in trust for the inhabitants of such town, and of a division or part of such city, and for such parties or persons as may succeed to the rights of such inhabitants, and for the public, as a public promenade and pleasure ground and ways, but not for any other use or purpose without the consent of a majority, by frontage, of the owners of the property of the same, and without the power to sell, alienate, mortgage or encumber the same, the corporate authorities of such town (meaning the town supervisor, clerk and assessor thereof,) shall have authority, and such corporate authorities of any such town are hereby empowered, upon the written request to that effect of any board of park commissioners, or the successors thereof, which shall now exist within any such town, to issue bonds in the name of such town to an amount not exceeding, in the aggregate, the principal sum of three hundred thousand dollars, and such bonds, when so issued by such corporate authorities, shall be delivered to such board of park commissioners, to be by them sold in the manner hereinafter provided, and the proceeds thereof used for the improvement and completion of all the parks and of any land now held, controlled and maintained by any such board of park commissioners for park and boulevard purposes: *Provided*, that the total indebtedness of such town, including the said sum of three hundred thousand dollars hereby authorized to be issued, shall not exceed five per centum of the value of the taxable property of such town, as ascertained by the last assessment for State and county taxes previous to issue of any such bonds. And such corporate authorities of any such town shall, in addition to the amount of any tax now authorized by law to be levied and collected for park and boulevard purposes in any such town, levy and collect annually a tax not to exceed one and one-half mills on the dollar upon the taxable property in any such town, according to the valuation of the same as made for the purposes of State and county taxation, such tax to be used and expended by such board of park commissioners in governing, maintaining and improving such



parks and boulevards or pleasure ways and in paying the interest and principal of such bonds and other necessary and incidental expenses incurred in and about the management of any such parks and boulevards. Neither the bonds hereby authorized to be issued for the purpose aforesaid, nor the proceeds thereof, shall be used by such board of park commissioners for any other purpose than the improvement of the lands now held, controlled and maintained by such board of park commissioners, but all of the proceeds of the sale of such bonds shall be used and expended exclusively in the improvement of the lands acquired and maintained by any such board of park commissioners.

§ 2. Such bonds shall be issued by the corporate authorities of such town, as aforesaid, in the name of said town, upon the request, in writing, of any such board of park commissioners or a majority of the members thereof. Said bonds shall be signed by the said corporate authorities in the name of said town, and when so signed shall be delivered by such corporate authorities to such board of park commissioners, who shall, before disposing of the same, endorse upon each one of such bonds a certificate to the effect that such bonds have been issued by the corporate authorities of such town upon the requisition of such board of park commissioners for the issue of such bonds by the corporate authorities of such town. And such certificate, so to be endorsed upon each one of such bonds, shall be evidence that due requisition for the issue of such bonds has been made by such board of park commissioners upon the corporate authorities of such town, as aforesaid. Such certificate, so to be endorsed upon said bonds, shall be signed by the president, treasurer, auditor and secretary of such board of park commissioners. The said bonds may be of the denomination of twenty-five dollars, and of any multiple thereof. They shall bear interest at a rate not exceeding five per centum per annum, to be paid semi-annually, and to be evidenced by coupons thereto attached, and the principal shall be payable at such place and at such time, not exceeding twenty years from the date of the issue of such bonds, as such board of park commissioners may determine. Such bonds shall be numbered in regular series and shall be registered upon the records of such board of park commissioners, which registry shall show the number of the bonds, the amount of each bond, when the same is payable, to whom the same shall be payable, and the rate of interest payable thereon:

*Provided, however,* that such bonds may be made payable to bearer or to the order of such person or persons as may be named therein, and when any such bonds shall be made payable to bearer, they shall pass by delivery, and provision shall be made by such board of park commissioners for the second registry of such bonds in the office of such board of park commissioners at the option of the holder and in his name; and after a second registry of any such bonds, they, together with any bonds made payable to any particular person or persons, shall pass only by endorsement and delivery. None of such bonds shall be sold by such board of park commissioners for less

than the par value thereof and the accrued interest thereon at the date of sale. And such board of park commissioners are hereby empowered to require of the treasurer of any such board a bond, with security to be approved by the circuit court of the county in which such parks and boulevards or pleasure ways may be located, sufficient in amount and penalty to protect and save harmless any such board of park commissioners from loss of any money or sums of money which may or shall, from time to time, come into the hands of the treasurer of any such board of park commissioners from the sale of any of the bonds issued and sold under and by virtue of the provisions of this act.

Any person who shall knowingly violate, or aid and abet in the violation, of any of the provisions of this act shall be deemed guilty of embezzlement, and shall be liable to indictment, trial and punishment as in other cases of embezzlement.

§ 3. For the purpose of providing for the payment of the interest on such bonds as it falls due, and also to pay and discharge the principal thereof as the same shall mature, any such board of park commissioners are hereby required each year to appropriate from any annual park tax not heretofore specifically appropriated by law, which may now or hereafter be authorized and directed to be levied upon the taxable property in any such town, whether the same be known as "boulevard and park tax" or otherwise, a sum sufficient to meet the interest upon such bonds as it may accrue, and to provide a sinking fund for the purpose of paying the principal of such bonds as they shall mature or become due according to the provisions of this act.

§ 4. Any and all bonds which shall be issued in accordance with the provisions of this act shall contain the condition that, upon the expiration of five years after the date of such bonds, and each successive year thereafter such board of park commissioners shall, at an open meeting of the board of such park commissioners, select by lot so many and such an amount of such bonds as may be required to absorb the sinking fund hereinbefore provided, and the principal of the bonds so selected shall become due and payable at the date of the next installment of interest maturing on the several bonds so selected from time to time, and shall cease to bear interest after they severally become due and payable by reason of such selection.

Such board of park commissioners, immediately after making such selection, shall make and sign in duplicate a statement of the result thereof, and shall file one copy thereof in the office of the town clerk of such town, and the other copy shall be filed in the office of the county clerk of the county in which any such town shall be located; and it is hereby made the duty of such board of park commissioners to pay and discharge the principal of the bonds selected at the date of the next installment of interest maturing on the bonds so selected from the sinking fund hereinbefore provided for that purpose.

§ 5. Any such board of park commissioners is hereby empowered, after the expiration of one year, and at any time before five years from the date of any bonds authorized to be issued according to the provisions of this act, to purchase a sufficient number and amount of such bonds then outstanding as will absorb the annual sinking fund required by the provisions of this act: *Provided*, that such board of park commissioners shall not be authorized to pay for the bonds authorized by this section to be purchased more than the fair market value thereof at the date of such purchase.

APPROVED June 9, 1897.

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## PENITENTIARIES.

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§ 1. Amends section 34 of the Act of 1871 by changing the salaries of the officers.

AN ACT to amend section thirty-four (34) of an act entitled "*An act in relation to the penitentiary at Joliet*," to be entitled "*An act to provide for the management of the Illinois State Penitentiary at Joliet*," approved June 16, 1871, in force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section thirty-four (34) of an act entitled "*An act in relation to the penitentiary at Joliet*," to be entitled "*An act to provide for the management of the Illinois State Penitentiary at Joliet*," approved June 16, 1871, in force July 1, 1871, be and the same is hereby amended so as to read as follows:

Section 34. The annual salaries of the officers of said penitentiary shall be as follows: That of the commissioners, each \$1,500. That of the warden shall be fixed by the Governor and said commissioners at such sum as they may in their discretion direct the same to be not less than \$2,500 and not to exceed \$4,000. That of the deputy warden, \$1,800. That of the chaplain, \$1,500. That of the physician, \$1,500. The clerks, steward, matron, assistant matron, assistant keepers and guards, and all other employés of the penitentiary shall be paid such compensation as said commissioners shall direct.

APPROVED June 7, 1897.

## PLUMBERS.

## LICENSE OF.

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| § 1. Persons engaging in or working at the business of plumbing in cities of over 5,000 inhabitants to receive certificate.<br>§ 2. Examinations.<br>§ 3. Board of examiners—Term of office.<br>§ 4. Time and place for holding examinations—Fees. | § 5. Rules and regulations for the inspection of plumbing.<br>§ 6. Persons required to take examinations, etc., shall apply to the board.<br>§ 7. Penalty.<br>§ 8. Repeal. |
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AN ACT to provide for the licensing of plumbers and to supervise and inspect plumbing.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person now or hereafter engaging in or working at the business of plumbing in cities or towns of 5,000 inhabitants or more, in this State, either as a master plumber or employing plumber or as a journeyman plumber, shall first receive a certificate thereof in accordance with the provisions of this act.

§ 2. Any person desiring to engage in or work at the business of plumbing, either as a master plumber or employing plumber, or as a journeyman plumber, shall make application to a board of examiners hereinafter provided for, and shall, at such time and place as said board may designate, be compelled to pass such examination as to his qualifications, as said board may direct; said examination may be made in whole or in part in writing, and shall be of a practical and elementary character but sufficiently strict to test the qualifications of the applicant.

§ 3. That there shall be in every city, town or village of 10,000 inhabitants or more a board of examiners of plumbers, consisting of three members, one of which shall be the chairman of the board of health, who shall be office [*ex-officio*] chairman of said board of examiners; a second member, who shall be a master plumber, and a third member, who shall be a journeyman plumber. Said second and third members shall be appointed by the mayor and approved by the council or by the board of trustees of said town or village within three months after the passage of this act for the term of one year from the first day of May in the year of appointment, and thereafter annually before the first day of May, and shall be paid from the treasury of said city, town or village the same as other officers in such sums as the authorities may designate.

§ 4. Said board of examiners shall, as soon as may be after the appointment, meet and shall then designate the times and places for the examination of all applicants desiring to engage in, or work at, the business of plumbing, within their respective jurisdiction. Said

board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and, if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant, authorizing him to engage in, or work at, the business of plumbing, whether as master plumber, or employing plumber, or as a journeyman plumber.

The fee for a certificate for a master plumber, or employing plumber, shall be \$5.00; for a journeyman plumber it shall be \$1.00. Said certificate shall be valid and have force throughout the State, and all fees received for said certificates shall be paid into the treasury of the city, town or village where said certificates are issued.

§ 5. Each city, town or village in this State having a system of water supply or sewerage shall, by ordinance or by-law, within three months of the passage of this act, prescribe rules and regulations for the materials, constructions, alteration and inspection of all plumbing and sewerage placed in, or in connection with, any building in such city, town or village; and the board of health or proper authorities shall further provide that no plumbing work shall be done, except in case of repairing leaks, without a permit being first issued therefor, upon such terms and conditions as such city, town or village, shall prescribe.

§ 6. All persons who are required by this act to take examinations and procure a certificate as required by this act shall apply to the board in the city where he resides or to the board nearest his place of residence.

§ 7. Any person violating any provisions of this act shall be deemed guilty of a misdemeanor and be subject to a fine of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00) for each and every violation therefor, and his certificate may be revoked by the board of health or proper authorities of said city, town or village.

§ 8. All acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED June 10, 1897.

## RAILROADS.

## CONSOLIDATION.

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| § 1. Consolidation or merger of companies.<br>§ 2. Agreements between railroad companies ratified and confirmed. | § 3. Articles of consolidation — Term of years.<br>§ 4. Emergency. |
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*AN ACT to ratify consolidations and sales and purchases between railroad companies of this State and railroad companies of other states, and to confirm in the purchasing companies, or in the companies formed by such consolidations, as the case may be, during the term of their corporate existence, and of any extensions thereof, all the corporate rights, franchises, privileges and immunities sold and purchased or belonging or pertaining to the constituent companies, and to define the terms of the corporate existence of such consolidated companies and to authorize them to renew their corporate existence.*

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* SECTION 1. That every agreement, whether in form of deed of sale, articles of consolidation or otherwise, made and entered into between the first day of July in the year Anno Domini one thousand eight hundred and seventy-four and the first day of July, Anno Domini one thousand eight hundred and eighty-three, by and between any railroad company organized under the laws of this State or of this State and any other state or states and any railroad company or companies organized under the laws of any other state or states, providing or purporting to provide for the consolidation or merger of the capital stocks, corporate and other franchises, privileges and property of the respective companies parties thereto, and under which the consolidated company thereby created or attempted to be created, or its successor or lessee, now owns, controls or operates, or is in possession of, the several railway lines of the respective companies, parties to such agreement, be and the same is hereby ratified, approved and confirmed, and all the corporate rights, franchises, privileges and immunities of the several and respective companies parties to every such agreement are hereby granted, vested and confirmed in the consolidated company thereby created or attempted to be created for and during the term of its corporate existence and of any renewal thereof.

§ 2. That every agreement between any railroad company of this State or of this State and any other state or states and any railroad company or companies organized under the laws of any other state or states made between the first day of July, Anno Domini one thousand eight hundred and seventy-four and the first day of July, Anno Domini one thousand eight hundred and eighty-three, and providing or attempting to provide for the purchase by any such corporations of this State or of this State and any other state or states of the property, corporate and other franchises, privileges and immunities of railroad corporations of any other state or states, and under which any such corporation of this State or of this State and any other

state or states now owns, controls or operates, or is in possession of the railroad, railroads and appurtenances sought to be conveyed, is hereby ratified, approved and confirmed.

§ 3. That whenever in the articles of consolidation or other instrument creating or purporting to create such consolidated company the term of the corporate existence of said consolidated company shall have been fixed for any term of years, not exceeding fifty years, said term so fixed shall be held and deemed to be the lawful term of the corporate existence of said consolidated company; and the said consolidated company shall be and is hereby authorized to renew its corporate existence from time to time, in such manner as shall be provided for by law, for periods not longer than fifty years.

§ 4. WHEREAS, An emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

APPROVED June 9, 1897.

#### HORSE AND DUMMY RAILROADS.

Amends sections 1 and 3 of the Act of 1874.

AN ACT to amend the title, and sections one (1) and three (3), of an act entitled "An act in regard to horse and dummy railroads," approved March 19, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the title of an act entitled "An act in regard to horse and dummy railroads," approved March 19, 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows, viz: "An act in regard to street railroads."

That sections one (1) and three (3) of said act be and the same are hereby amended to read as follows, viz.:

"Section 1. That any company which has been or shall be incorporated under any special or general law of this State for the purpose of constructing, maintaining or operating any horse, dummy or street railroad, or tramway, may enter upon and appropriate any property necessary for the construction, maintenance and operation of its road, and all necessary siding, side tracks and appurtenances, and may, subject to the provisions contained in this act, locate and construct its road upon or over any street, alley, road or highway, or across or over or under any waters in this State, in such manner as not to unnecessarily obstruct the public use of said street, alley, road or highway, or interrupt the navigation of such waters."

Every corporation may operate its railroad for the transportation of passengers and United States mail. Every such street railway may be operated by animal, cable, electric or any other motive power that may have been or shall hereafter be granted to it by the proper public officers or authorities, except steam locomotive engines. The

tracks of such street railway shall be laid as near the center of the highway as practicable, except at curves, and when more than one track is laid, the said track shall be laid parallel, and in such manner as to leave a space of at least four feet between the said tracks, and no car shall be operated with an overhang of more than twenty-two inches outside of the outermost edge of the rail of the tracks upon which said car shall be operated.

No street railroad corporation shall have the right to enter upon, appropriate or use the whole or any part of the property or tracks of another street railroad owned or used by it in the operation of its road, except to cross the same at any necessary angle, without the consent of the corporation whose property or tracks it seeks to use.

All street railroad corporations shall have the right to contract with each other for the use of their respective tracks, or to lease to each other, or to purchase from each other, any portion or the whole of their property or tracks upon such terms and conditions as they may agree upon for the purpose of operating the same. And every such corporation shall have the right and authority to consolidate its stock, property and franchises with any other like corporation: *Provided, however*, that no such corporation shall consolidate with any other corporation running a parallel or competing line. In case any such consolidation shall take place, sixty days' notice thereof shall be given in the manner and form as prescribed in section 15, chapter 114, of the Revised Statutes, concerning the incorporation of railroad companies. All contracts, leases or purchases heretofore made by or between such corporations shall be valid the same as if made subsequently to the passage of this act.

"Section 3. No such company shall have the right to locate or construct its road upon or along any street or alley, or over any public grounds, in any incorporated city, town or village, without the consent of the corporate authorities of such city, town or village, nor upon or along any road or highway, or upon any public ground without any incorporated city, town or village, except with the consent of the county board. Such consent may be granted for any period not longer than fifty (50) years, on the petition of the company, upon such terms and conditions not inconsistent with the provisions of this act, as such corporate authorities or county board, as the case may be, shall deem for the best interests of the public: *Provided*, that no such consent shall be granted except upon the petition of the owners of land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for street railroad purposes, and when the street, or part thereof, sought to be used shall be more than one mile in extent, no petition of land owners shall be valid unless the same shall be signed by the owners of the land representing more than one-half of the frontage of each mile and fractional part of a mile, if any, in excess of the whole miles, measuring from the initial point named in such petition of such street or of the part thereof sought to be used for street railroad purposes, nor unless at least ten days' public notice of the time



and place of presenting the petition of such company shall have been first given by publication in some newspaper published in the city or county where such street railroad is to be constructed, and except upon the condition that the company will pay all damages to owners of property abutting upon the street, alley, road, highway or public ground upon or over which such street railroad is to be constructed, which they may sustain by reason of the location or construction of the street railroad; the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain."

Every grant of authority which shall hereafter be made by ordinance to lay street railroad tracks in any street or highway, which shall be granted, without a full or strict compliance with all the requirements of the law, shall be void, and any corporation acting or attempting to act under any ordinance hereafter granted, granting to such corporation authority to construct and operate a street railroad where such corporation has not strictly complied with every requirement of the law pertaining to such grant, may be enjoined from exercising any rights or privileges under such void grant at the suit of any abutting land owner: *Provided*, that no owner of property fronting or abutting upon any street where it is proposed to construct or operate a street railway shall, after having petitioned the city council or other proper corporate authorities, as the case may be, as required by law, be permitted to revoke or cancel such signature to such petition after the said petition shall have been filed with the said city council, city clerk or other corporate authority, as the case may be.

The right to charge a fare of five cents given under any existing ordinance or grant of right to construct or operate a street railroad, shall remain, and such rate of fare as is now charged shall not be lessened or increased during the life of or the remainder of the term of such ordinance or grant; and the city council or other proper corporate authorities, as the case may be, shall have the power, without said petition of land owner, to extend any ordinance heretofore granted and now in force, granting the right to construct and operate a street railway in any street or highway at any time before its expiration, for a period not longer than fifty years, and in every ordinance so extended for carrying passengers on the street railroad operated under such ordinance, and where any ordinance shall be extended, the rate of fare shall be five cents during the first twenty years of the period of such extension. *Provided, however*, that the rate of fares shall not be fixed by the said corporate authorities in any case for a period of longer than twenty years, and the fare so fixed shall in no case exceed five cents for a single ride within the limits of any city, town or village; and the city council, or other proper corporate authority, shall have the power to fix the rate of fare to be charged in any ordinance hereafter granted: *Provided*, such rate shall not exceed five cents, and when the rate is so fixed it shall not be lessened by the said city council, or other proper corporate authorities, as the case

may be, at any time during a period of twenty years after the passage of said ordinance. All acts or parts of acts inconsistent herewith are hereby repealed.

APPROVED June 9, 1897.

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STOCKS HELD BY MINING AND MANUFACTURING COMPANIES.

§ 1. Amends section 1 of the Act of 1893 by striking out the words "now or hereafter to be organized under any law of this State."

*AN ACT to authorize mining or manufacturing companies to own and hold shares of the capital stock, and to own and hold securities of railroad companies whose roads shall connect the different plants of such mining or manufacturing companies with each other or with other railroads or harbors.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act to authorize mining or manufacturing companies to own and hold shares of the capital stock, and to own and hold securities of railroad companies whose roads shall connect the different plants of such mining or manufacturing companies with each other or with other railroads or harbors," approved on the 21st day of June, 1893, and in force on the 1st day of July, 1893, be and the same is hereby amended so as to read as follows:

Section 1. That any corporation organized, or to be organized, under and by virtue of any law of this State for mining or manufacturing purposes be and the same is hereby authorized to own and hold shares of the capital stock and to own and hold securities of any railroad company or companies when such railroad or railroads shall connect the different plants of such mining or manufacturing companies with each other or with other railroads or harbors: *Provided*, that said mining or manufacturing companies shall not be permitted to hold stock in more than one railroad connecting the same points.

APPROVED June 11, 1897.

## REFORMATORY, STATE.

## ACT TO ESTABLISH AMENDED.

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| <p>§ 1. Amends sections 7, 15 and 19 of the Act of 1891, as amended by the Act of 1893.</p> <p>§ 7. Board of managers to receive \$1,200 each for services.</p> | <p>§ 15. Power to transfer prisoners.</p> <p>§ 19. Prisoners provided with suitable clothing, etc.</p> |
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AN ACT to amend sections seven (7), fifteen (15), nineteen (19) of an act entitled "An act to establish the Illinois State Reformatory and making an appropriation therefor," approved June 18, 1891, as amended by an act entitled an act to amend an act entitled "An act to establish the Illinois State Reformatory and making an appropriation therefor," approved June 24, 1893.

Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections seven (7), fifteen (15) and nineteen (19) of said act entitled "An act to establish the Illinois State Reformatory and making an appropriation therefor," approved June 18, 1891, as amended by an act entitled an act to amend an act entitled "An act to establish the Illinois State Reformatory and making an appropriation therefor," approved June 24, 1893, be amended to read as follows:

Section 7. The board of managers shall receive as compensation for their services, each of them, the sum of twelve hundred dollars per year; said salary shall be paid out of the funds of the institution.

§ 15. The board of managers shall have the power to transfer temporarily to the penitentiary of the proper district any prisoner who, subsequent to his committal, shall be shown to their satisfaction to have been more than twenty-one years of age, or to have been previously convicted of crime, and may also transfer any incorrigible prisoner whose presence in the reformatory appears to be seriously detrimental to the well-being of the institution. And such managers may, by written requisition, require the return to the reformatory of any person who may have been so transferred. Each prisoner so transferred to the penitentiary shall be held therein subject to such rules and regulations provided by the commissioners of said penitentiary in harmony with this act, unless recalled to the reformatory, as herein provided by the board of managers.

§ 19. Upon the release of any prisoner upon parole from the reformatory the general superintendent shall provide him with suitable clothing and with ten dollars in money, payable at such times and in such installments as the general superintendent may determine, and shall procure transportation for him to his place of employment. The general superintendent shall make like provision for any prisoner discharged from the reformatory by expiration of his sentence or

otherwise, save that he shall procure transportation for said prisoner to his home, if within the State, or if his home is not within the State, then to the place of his conviction.

APPROVED June 9, 1897.

## REVENUE.

### GENERAL LEVY FOR STATE PURPOSES.

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| <p>§ 1. Provides for the levying of \$3,900,000 for the year 1897; \$3,000,000 for the year 1898, "revenue," and \$1,000,000 per annum for the "school" fund.</p> | <p>§ 2. The Governor and Auditor to compute the necessary rates per cent.</p> |
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*AN ACT to provide for the necessary revenue for State purposes.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be raised, by levying a tax by valuation upon the assessed taxable property of the State, the following sums for the purposes hereinafter set forth:

For general State purposes, to be designated "revenue fund," the sum of three million nine hundred thousand (\$3,900,000) dollars upon the assessed value of property for the year A. D. 1897; three million dollars (\$3,000,000) upon the assessed value of property for the year A. D. 1898, and for State school purposes, to be designated "State school fund," the sum of one million (\$1,000,000) dollars upon the assessed taxable property for the year 1897, and the sum of one million (\$1,000,000) dollars upon the assessed taxable property for the year A. D. 1898, in lieu of the two-mill tax.

§ 2. The Governor and Auditor shall annually compute the several rates per cent. required to produce not less than the above amounts, anything in any other act providing a different manner of ascertaining the amount of revenue required to be levied for State purposes to the contrary notwithstanding, and when so ascertained, the Auditor shall certify to the county clerks the proper rates per cent. therefor, and also such definite rates for other purposes as are now, or may hereafter be, provided by law to be levied and collected as State taxes, and all laws and parts of laws in conflict with this act are hereby repealed.

APPROVED June 9, 1897.

## ROADS AND BRIDGES.

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| <p>§ 1. Amends sections 30, 31 and 32 of the Act of 1883.</p> <p>§ 30. Laying out of roads—Width—Opening—Vacated.</p> <p>§ 31. Altering, widening—Vacating and laying out roads—Petition—Narrowing, etc.</p> | <p>§ 32. Petition to set forth in writing a description of the road and what part thereof is to be altered, widened, narrowed or vacated.</p> |
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AN ACT to amend sections thirty (30), thirty-one (31) and thirty-two (32) of "An act in regard to roads and bridges in counties under township organization," in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections thirty (30), thirty-one (31) and thirty-two (32) of "An act in regard to roads and bridges," in force July 1, 1883, be and the same are hereby amended to read as follows:

Section 30. All public roads established under this act shall be of the width of sixty feet: *Provided*, that on petition for a new road, that if a majority of the land owners living along the line of said road sign a petition for a less width than sixty feet, then the highway commissioners may, when the interests of the public permit, authorize and lay out said road of a width not less than forty feet, and roads called public and private may be of the width in this act provided. All public roads laid out as herein provided shall be opened within two years from the laying out of same. If not opened within the time specified, the same shall be deemed to be vacated.

Section 31. The commissioners may alter, widen or vacate any road, or lay out any new road, in their respective towns, when petitioned by any number of land owners not less than twelve, or two-thirds of the land owners residing in such town within two miles of the road to be altered, widened, vacated or laid out: *Provided*, said commissioners may, when in their judgment the interests of the public will permit, also narrow or reduce the width of public roads to not less than forty feet when the same is petitioned for by a majority of land owners along the line of said road so far as the same shall extend within the township. When possible the land so vacated by reducing the width of the road shall be taken equally from both sides of the public highway. In cases of natural obstruction upon one side of the public highway or where the said road extends along the right of way of any railroad, river or canal, the commissioners are authorized to reduce the width of the road on one side only: *Provided further*, that said commissioners may also narrow or reduce the streets in town plats not incorporated so as to leave the same not less than sixty feet in width, on petition and under like proceedings as herein provided in case of laying out, altering, widening, narrowing or vacating roads.

Section 32. Said petition shall set forth in writing a description of the road and what part thereof is to be altered, narrowed, widened

or vacated, and, if for a new road, the names of the owners of lands, if known, and if not known it shall be so stated, over which the road is to pass, the points at or near which it is to commence, its general course and the place at or near which it is to terminate.

APPROVED June 7, 1897.

## SCHOOLS.

### BOARDS OF EDUCATION IN SCHOOL DISTRICTS.

§ 1. Provides for the election of boards of education in lieu of school directors.

*AN ACT to provide for the election of boards of education in school districts organized under special acts of the Legislature of this State, where such school districts are maintained under the general school laws of this State and where there is no provision in such special acts for the election of boards of education.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter, in all school districts in this State organized under any special law of this State, and maintaining public schools under the general school laws of this State, where there is no provision in said special acts creating such special school districts, for the election of boards of education as otherwise provided, there shall be elected in each of said special school districts, in lieu of the school directors as now provided, a board of education, to consist of seven members, to be elected at the time and in the manner as now provided by the general law for the election and qualification of boards of education in other cases: *Provided*, that at the first election of such board, which shall be held on the third Saturday in April, A. D. 1898, two of such members shall be elected to serve one year, two to serve two years and two to serve three years, and a president of such board shall be elected, whose term of office shall be one year; and annually thereafter there shall be elected in said school district two members of such board, whose term of office shall be three years, and there shall also be elected annually thereafter a president of said board. Said board of education, when so elected and qualified, shall have the powers of trustees of schools in school townships as is now provided by law.

APPROVED June 10, 1897.

## CLASSES FOR THE DEAF.

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| <p>§ 1. Superintendent of Public Instruction to grant permission for teaching deaf persons.</p> <p>§ 2. Board of education or directors to make annual report to the State Superintendent.</p> <p>§ 3. County Superintendent to pay \$150 for the instruction of the deaf.</p> | <p>§ 4. When paid.</p> <p>§ 5. Teachers appointed by the State Superintendent—Removal.</p> |
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*AN ACT authorizing school districts managed by boards of education or directors to establish and maintain classes for the deaf in the public schools, and authorizing payment therefor from State common school funds.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That upon application by a board of education, or directors, of any school district of the State to the State Superintendent of Public Instruction, he shall grant permission to such board of education, or directors, and such board of education, or directors, shall thereupon be empowered to maintain, as part of a public school, within its limits, one or more classes, having an average attendance of not less than three pupils, for the instruction of deaf persons over the age of three and under twenty-one years, residents of the State of Illinois.

§ 2. Such board of education, or directors, which shall maintain one or more classes for the instruction of the deaf, shall report to the State Superintendent of Public Instruction annually, and as often as said superintendent shall direct, such facts concerning such class, or classes, as he may require.

§ 3. The county superintendent of schools in each county is hereby authorized and directed to apportion and pay out of the State common school fund received by such county to the treasurer or other financial officer of such board of education, or directors, maintaining such class, or classes, for the instruction of the deaf, the sum of one hundred and fifty dollars for each deaf pupil resident of such county instructed in any such class for at least nine months during the school year, and a share of such sum proportionate to the term of instruction of any such pupil as shall be so instructed less than nine months during such year. If no such class shall be maintained in a public school in any county, but persons residing in such county shall attend such class in an adjoining county with the permission of the county superintendent of the county not maintaining such class, then said superintendent shall pay to the financial officer of the board of education, or directors of the district maintaining such class the amount above specified for each pupil attending such class in such other county.

§ 4. The sums provided in the next preceding section shall be paid by such county superintendent of schools as soon as may be after the receipt by him of the State common school fund in each

year, upon satisfactory proof being made to him by the president and the secretary or clerk of such board of education, or directors, maintaining such class, of the number of pupils instructed in such class, or classes, and their residences, and the period of time each such pupil shall have been so instructed in such class, or classes, for the preceding school year.

§ 5. All teachers in such classes shall be appointed by the State Superintendent of Public Instruction upon application of the board of education, or directors, of the school district maintaining such class, or classes; the State Superintendent of Public Instruction to have the power to remove such teachers for cause. No person shall be appointed to teach any such class who shall not have first obtained a teacher's certificate, as provided by law, and who shall not have received specific instruction in the teaching of the deaf for a term of not less than one year.

APPROVED June 11, 1897.

#### EASTERN ILLINOIS STATE NORMAL.

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| <p>§ 1. Amends section 4 of the Act of 1895, as follows:</p> <p>§ 4. Governor to appoint trustees—term of office—vacancy.</p> | <p>§ 2. Emergency.</p> |
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*AN ACT to amend section four (4) of an act entitled "An act to establish and maintain the Eastern Illinois State Normal School," approved May 22, 1895.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section four (4) of an act entitled "An act to establish and maintain the Eastern Illinois State Normal School," approved May 22, 1895, be and the same is hereby amended to read as follows:

Section 4. Upon the passage of this act, the Governor shall nominate, and by and with the advice of the Senate, shall appoint, five (5) citizens, who shall be residents of the State of Illinois, as trustees of said institution, two (2) of whom shall serve for two (2) years and three (3) for four (4) years, and until their successors are appointed and enter on duty, and successors in each class shall be appointed in a like manner for four (4) years: *Provided*, that in case of a vacancy by death or otherwise, the Governor shall appoint a successor for the remainder of the term vacated: *Provided*, that no two (2) members of said board shall be residents of any one county. The Superintendent of Public Instruction shall be a trustee of said school, *ex-officio*.

§ 2. WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED February 18, 1897.



## INSPECTORS ELECTED UNDER SPECIAL ACTS.

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| <p>§ 1. Amends section 1 of the Act of 1893 by providing for the purchase of sites for school houses.</p> | <p>§ 2. Emergency.</p> |
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AN ACT to amend section one of "An act extending the powers of boards of school inspectors elected under special acts," approved June 19, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of "An act extending the powers of boards of school inspectors elected under special acts," approved June 19, 1893, be amended so as to read as follows:

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities in this State having over 20,000 and less than 100,000 inhabitants whose schools are now operated under special law, and where, by such law, territory outside of the city limits is added to the territory within the city for school purposes, and where such school district or districts is not coextensive with the township in which such city is situated, and where by such special law boards of school inspectors, consisting of six members (three in each of two districts,) are elected, the provisions of any such special law dividing such territory into two districts shall be held to be only for the purpose of electing members of the board of school inspectors, and for all other purposes the territory in two such districts shall be held to be included in one school organization, and the board of school inspectors, in addition to the other powers given by such special law and the general school laws, shall have power to employ teachers, janitors and such other employes as such board shall deem necessary, and to fix the amount of their compensation, to buy or lease sites for school houses, with the necessary grounds; to build, erect, lease or purchase buildings suitable for school houses; to repair and to improve school houses, and to furnish them with the necessary supplies, fixtures, apparatus, libraries and fuel, and it shall be the duty of such board to take the entire supervision and control of the schools in such district or districts.

§ 2. WHEREAS, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED June 11, 1897.

## MANUAL TRAINING DEPARTMENTS.

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| § 1. Election "for" or "against" the establishment of a manual department for high schools to be called upon the request of fifty legal voters of the district. | § 2. Ballots received and canvassed.<br>§ 3. Duty of the board of education. |
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*AN ACT to provide for the establishment and maintenance of manual training departments for high schools.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That upon the petition of not less than fifty voters of any high school district filed with the township treasurer at least fifteen days preceding the regular election of members of the board of education for said high school district, it shall be the duty of said treasurer to notify the voters of said district that an election "for" or "against" the establishment of a manual training department for said high school will be held at the next annual election of the board of education by posting notices of such election in at least ten of the most public places throughout the township for at least ten days before the day of such regular election, which notice may be in the following form:

## HIGH SCHOOL ELECTION.

Notice is hereby given that on Saturday, the.....day of April, A. D...., an election will be held at.....for the purpose of voting "for" or "against" the proposition to establish a manual training department for the high school in township No..., range No... The polls for said election will be opened at... o'clock and closed at... o'clock of said day.

.....  
Township treasurer.

§ 2. The ballots for such election shall be received and canvassed as in other elections, and may have on them the names of the board of education voted for at said election.

§ 3. If a majority of the votes cast at such election shall be in favor of establishing a manual training department for the high school in said district, it shall be the duty of the board of education to establish and maintain therein such department as part of the high school.

APPROVED June 3, 1897.

## STUDY OF PHYSIOLOGY AND HYGIENE.

§ 1. Amends the Act of 1889 as follows:

That the nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught.

§ 2. Method of teaching—penalty.

AN ACT to amend "*An act relating to the study of physiology and hygiene in the public schools,*" approved June 1, 1889, in force July 1, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act relating to the study of physiology and hygiene in the public schools, approved June 1, 1889, in force July 1, 1889, be amended so as to read as follows:

That the nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in connection with the various divisions of physiology and hygiene as thoroughly as are other branches in all schools under State control, or supported wholly or in part by public money, and also in all schools connected with reformatory institutions.

All pupils in the above mentioned schools below the second year of the high schools and above the third year of school work, computing from the beginning of the lowest primary year, or in corresponding classes of ungraded schools, shall be taught and shall study this subject every year from suitable text-books in the hands of all pupils, for not less than four lessons a week for ten or more weeks of each year, and must pass the same tests in this as in other studies.

In all schools above mentioned all pupils in the lowest three primary school years, or in corresponding classes in ungraded schools, shall each year be instructed in this subject orally for not less than three lessons a week for ten weeks in each year, by teachers using text-books adapted for such oral instruction as a guide and standard.

The local school authorities shall provide needed facilities and definite time and place for this branch in the regular course of study.

The text-books in the pupils' hands shall be graded to the capacities of the fourth year, intermediate, grammar and high school pupils, or to corresponding classes as found in ungraded schools.

For students below high school grade such text-books shall give at least one-fifth their space, and for students of high school grade shall give not less than twenty pages to the nature and effects of alcoholic drinks and other narcotics. The pages on this subject in a separate chapter at the end of the book shall not be counted in determining the minimum.

§ 2. In all normal schools, teachers' training classes and teachers' institutes adequate time and attention shall be given to instruction in the best methods of teaching this branch, and no teacher shall be licensed who has not passed a satisfactory examination in this subject and the best methods of teaching it.

Any school officer or officers who shall neglect or fail to comply with the provisions of this act shall forfeit and pay for each offense the sum of not less than \$5.00 nor more than \$25.00.

APPROVED June 9, 1897.

#### TOWNSHIPS AND TRUSTEES.

§ 1. Amends section 43, of article 3, of the Act of 1889.

AN ACT to amend section 43, of article 3, of an act entitled "An act to establish and maintain a system of free schools," approved May 21, 1889, and in force May 21, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 43, of article 3, of an act entitled "An act to establish and maintain a system of free schools," approved May 21, 1889, and in force May 21, 1889, be and the same is hereby amended to read as follows:

Section 43. When any township, townships or parts of townships shall have organized a high school and wish to discontinue the same, upon petition of not less than a majority of the legal voters of said township, townships or parts of townships, filed with the township treasurers of said townships at least fifteen days preceding the regular election of trustees, it shall be the duty of said treasurers to notify the voters of the township, townships or parts of townships that an election will be held on the day of said regular election of trustees for the purpose of voting "for" or "against" discontinuing the township high school, which notice shall be given in the same manner, and for the same length of time, and may be in substantially the same form, as the notice provided for in section 38 of this article: *Provided*, that in any township where a creek or river divides the same, and it has been divided into towns with such creek or river as a boundary line between them, and each of said towns contains a city, and an election has been held in such township, and carried in favor of establishing a township high school, a site for which has been selected in one of said towns, and other proceedings had thereon, a petition, signed by not less than one-fourth of the voters of such township, as shown by the vote of the last general election, may be filed at any time with the township treasurer of said township for an election for the purpose of voting "for" or "against" discontinuing the township high school as to the town in which the site is not located. Within ten days after the filing of a petition, as aforesaid, it shall be the duty of such township treasurer to post the notices for an election to be held according to the prayer of such petition; and if the majority of the votes cast at such election shall be in favor of discontinuing the township high school in the town where the site has not been located, the same shall be so discontinued as to it.

WHEREAS, An emergency exists, and this act shall take effect from and after its passage.

APPROVED June 2, 1897.

## TRUANCY PREVENTED.

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| § 1. Children between the ages of 7 and 14 years to attend school. | § 4. False statements.                 |
| § 2. Penalty.  | § 5. Fines and penalty, how recovered. |
| § 3. Truant officers.  | § 6. Repeal.                           |

*AN ACT to promote attendance of children in schools and to prevent truancy.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person having control of any child between the ages of seven (7) and fourteen (14) years shall annually cause such child to attend for at least sixteen (16) weeks, twelve (12) weeks of which attendance shall be consecutive, some public or private school, which time, for pupils under ten (10) years of age, shall commence with the beginning of the first term of the school year of such school, and not later than December 1st of said school year for pupils above the age of ten (10) years, or as soon thereafter as due notice shall be served upon the person having such control of his duty under this act: *Provided*, that this act shall not apply in any case when the child has been or is otherwise being instructed for a like period of time in each and every year the elementary branches of education by a person or persons competent to give such instruction, or whose physical or mental condition renders his or her attendance impracticable or inexpedient, or who is excused for sufficient reason by any competent court of record.

§ 2. For every willful neglect of such duty as prescribed by section one (1) of this act, the person so offending shall forfeit to the use of the public school of the city, town or district in which such child resides a sum not less than one (1) dollar nor more than five (5) dollars and costs of suit, and shall stand committed until such fine and costs of suit are fully paid.

§ 3. The board of education in cities, towns, villages and school districts, and the board of school directors in school districts, shall appoint, at the time of appointment or election of teachers each year, one or more truant officers, whose duty it shall be to report all violations of this act to said board of education or board of directors and to enter complaint against and prosecute all persons who shall appear to be guilty of such violation. It shall also be the duty of said truant officer so appointed to arrest any child of school-going age that habitually haunts public places and has no lawful occupation, and also any truant child who absents himself or herself from school, and to place him or her in charge of the teacher having charge of any school which said child is by law entitled to attend, and which school shall be designated to said officer by the parent, guardian or person having control of said child. In case such parent, guardian or person shall designate a school without making or having made arrangements for the reception of said child in the school so designated, or in case he refuses or fails to designate any school, then such truant

officer shall place such child in charge of the teacher of the public school. And it shall be the duty of said teacher to assign said child to the proper class and to instruct him or her in such studies as he or she is fitted to pursue. The truant officer so appointed shall be entitled to such compensation for services rendered under this act as shall be determined by the boards appointing them, and which compensation shall be paid out of the distributable school fund: *Provided*, that nothing herein contained shall prevent the parent, guardian or person having charge of such truant child which has been placed in any school by the truant officer to thereafter send said child to any other school which said child is by law entitled to attend.

§ 4. Any person having control of a child who, with intent to evade the provisions of this act, shall make a wilfully false statement concerning the age of such child, or the time such child has attended school, shall, for such offense, forfeit a sum of not less than three (\$3) dollars nor more than twenty (\$20) dollars for the use of the public schools of such city, town, village or district.

§ 5. Any fine and penalty mentioned in this act may be sued for and recovered before any court of record or justice of the peace of the proper county in the name of the People of the State of Illinois for the use of the public schools of the city, town, village or district in which said child resides.

§ 6. An act entitled "An act concerning the education of children," approved June 19, 1893, in force July 1, 1893, is hereby repealed.

APPROVED June 11, 1897.

## SLANDER AND LIBEL.

### IN RELATION TO LIBEL.

#### § 1. Repeals Act of 1895.

AN ACT *repealing an act entitled "An act in relation to libel," approved June 24, 1895, in force July 1, 1895.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act in relation to libel," approved June 24, 1895, be and the same is hereby repealed.

APPROVED June 14, 1897.

## TRUSTS AND COMBINES.

## POOLS, TRUSTS AND COMBINES PROHIBITED.

§ 1. Amends section 1 of the Act of 1891.

AN ACT to amend section one of an act entitled "*An act to provide for the punishment of persons, partnerships, or corporations forming pools, trusts and combines, and mode of procedure and rules of evidence in such cases,*" approved June 11, 1891, in force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of an act entitled "*An act to provide for the punishment of persons, partnerships, or corporations forming pools, trusts and combines, and mode of procedure and rules of evidence in such cases,*" approved June 11, 1891, in force July 1, 1891, be amended to read as follows: If any corporation organized under the laws of this or any other state or country for transacting or conducting any kind of business in this State, or any partnership or individual or other association of persons whosoever, shall create, enter into, become a member of or a party to any pool, trust, agreement, combination, confederation or understanding with any other corporation, partnership, individual or any other person or association of persons, to regulate or fix the price of any article of merchandise or commodity, or shall enter into, become a member of or party to any pool, agreement, contract, combination or confederation to fix or limit the amount or quantity of any article, commodity or merchandise to be manufactured, mined, produced or sold in this State, such corporation, partnership, or individual or other association of persons shall be deemed and adjudged guilty of a conspiracy to defraud and be subject to indictment and punishment as provided in this act: *Provided, however,* that in the mining, manufacture or production of articles of merchandise, the cost of which is mainly made up of wages, it shall not be unlawful for persons, firms or corporations doing business in this State to enter into joint arrangements of any sort, the principal object or effect of which is to maintain or increase wages.

APPROVED June 10, 1897.

## UNITED STATES.

## JURISDICTION OVER CERTAIN LANDS.

§ 1. Jurisdiction of lands and their appurtenances ceded to the United States of America.

§ 2. Emergency.

*AN ACT ceding to the United States of America the jurisdiction over certain lands and their appurtenances for the National Home for Disabled Volunteer Soldiers, and exempting the same from taxation.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That jurisdiction of the lands and their appurtenances, which may be acquired by donation or purchase by the managers of the national home for disabled volunteer soldiers, within the State of Illinois, for the uses and purposes of the said home, be and is hereby ceded to the United States of America: *Provided, however,* that all civil or criminal process issued under the authority of the State of Illinois, or any officer thereof, may be executed on said lands and in the buildings which may be located thereon, in the same manner as if jurisdiction had not been ceded as aforesaid, and the officers, employes and inmates of said home who shall be qualified voters of the State, by complying with the requirements of the laws that now are in operation, or that hereafter may be enacted, regulating State, county and town elections in this State, shall have the right of suffrage at all town, county and State elections in the town in which said national home shall be located.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED June 11, 1897.



## WAREHOUSES.

§ 1. Amends section 14 of the Act of 1871.

§ 14. Paragraph 1. Governor to appoint chief grain inspector.

Paragraph 2. Duties of chief grain inspector.

Paragraph 3. Assistant inspectors.

Paragraph 4. Chief inspector to execute a bond.

Paragraph 5. Assistant inspectors to execute a bond.

Paragraph 6. Railroad and warehouse commissioners to make rules and regulations.

Paragraph 7. Compensation of chief grain inspectors and assistants fixed by board of railroad and warehouse commissioners.

Paragraph 8. Board of commissioners to appoint a warehouse registrar and assistants.

Paragraph 9. Board of commissioners to exercise a general supervision and control of appointees.

Paragraph 10. Removal of appointees.

Paragraph 11. Expenses.

*AN ACT to amend section 14 of an act entitled "An act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article XIII. of the Constitution of this State," approved April 25, 1871, in force July 1, 1871, and to provide for revenue and the payment of the expenses of the same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 14 of an act entitled "An act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article XIII. of the Constitution of this State," approved April 25, 1871, in force July 1, 1871, be and the same is hereby amended so as to read as follows:

Section 14, Paragraph 1. It shall be the duty of the Governor to appoint, by and with the advice and consent of the Senate, a suitable person, who shall not be a member of the board of trade and who shall not be interested either directly or indirectly in any warehouse in the State, a chief inspector of grain, who shall hold his office for a term of two years, unless sooner removed, as hereinafter provided for, in every city or county in which is located a warehouse of class A or class B: *Provided*, that no such grain inspector for cities or counties in which are located warehouses of class B shall be appointed, except upon the recommendation of the board of railroad and warehouse commissioners, and such recommendation shall be made only upon a request for such action by the county commissioners or board of supervisors of the county in which such warehouses are located; and in cities or counties wherein an inspector may be appointed no person other than such duly appointed inspector, or those authorized as assistant inspectors, shall inspect or grade any grain without being liable to the penalties provided in section 20 of said act.

Paragraph 2. It shall be the duty of such chief inspector of grain to have a general supervision of the inspection of grain, as required by this act or laws of this State, under the advice and immediate direction of the board of commissioners of railroads and warehouses.

Paragraph 3. The said chief inspector shall be authorized to nominate to the commissioners of railroads and warehouses such suitable persons in sufficient number as may be deemed qualified for assistant inspectors, who shall not be members of the board of trade nor interested in any warehouse, and also such other employes as may be necessary to properly conduct the business of his office; and the said commissioners are authorized to make such appointments.

Paragraph 4. The chief inspector shall, upon entering upon the duties of his office, be required to take an oath as in cases of other officers, and he shall execute a bond to the people of the State of Illinois in the penal sum of fifty thousand dollars when appointed for any city in which is located a warehouse of class A, and ten thousand dollars when appointed for any other city or county, with sureties to be approved by the board of commissioners of railroads and warehouses, with a condition therein that he will faithfully and strictly discharge the duties of his said office of inspector according to law, and the rules and regulations prescribing his duties; and that he will pay all damages to any person or persons who may be injured by reason of his neglect, refusal or failure to comply with law and the rules and regulations aforesaid.

Paragraph 5. And each assistant inspector shall take a like oath, execute a bond in the penal sum of five thousand dollars, with like conditions and to be approved in like manner as is provided in case of the chief inspector, which said several bonds shall be filed in the office of said commissioners; and suit may be brought upon said bond or bonds in any court having jurisdiction thereof, in the county where the plaintiff or defendant resides, for the use of the person or persons injured.

Paragraph 6. The chief inspector of grain, and all assistant inspectors of grain and other employes in connection therewith, shall be governed in their respective duties by such rules and regulations as may be prescribed by the board of commissioners of railroads and warehouses; and the said board of commissioners shall have full power to make all proper rules and regulations for the inspection of grain, and shall, also, have power to fix the rate of charges for the inspection of grain and the manner in which the same shall be collected, which charges shall be regulated in such manner as will, in the judgment of the commissioners, produce sufficient revenue to meet the necessary expenses of the service of inspection, and no more.

Paragraph 7. It shall be the duty of the said board of commissioners to fix the amount of compensation to be paid to the chief inspector, assistant inspectors and all other persons employed in the inspection service, and prescribe the time and manner of their payment.

Paragraph 8. The said board of commissioners of railroads and warehouses are hereby authorized to appoint a suitable person as warehouse registrar and such assistants as may be deemed necessary to perform the duties imposed upon such registrar by the provisions of this act.

Paragraph 9. The said board of commissioners shall have and exercise a general supervision and control of such appointees, shall prescribe their respective duties, shall fix the amount of their compensation and the time and manner of its payment.

Paragraph 10. Upon the complaint in writing of any person to the said board of commissioners, supported by reasonable and satisfactory proof, that any person appointed or employed under the provisions of this section has violated any of the rules prescribed for his government, has been guilty of any improper official act, or has been found insufficient or incompetent for the duties of his position, such person shall be immediately removed from his office or employment by the same authority that appointed him, and his place shall be filled, if necessary, by a new appointment; or, in case it shall be deemed necessary to reduce the number of persons so appointed or employed, their term of service shall cease under the orders of the same authority by which they were appointed or employed.

Paragraph 11. All necessary expenses incident to the inspection of grain, and to the office of registrar, economically administered, including the rent of suitable offices, shall be deemed expenses of the inspection service and shall be included in the estimate of expenses of such inspection service, and shall be paid from the funds collected for the same.

APPROVED June 7, 1897.

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§ 1. Amends section 6, Act of 1871, by giving to owners of warehouses the right to store or mix their grain with the grain of others and giving to the railroad and warehouse commissioners authority to make rules and regulations concerning the handling, storing, etc., of grain in warehouses of class A.

AN ACT to amend section six (6) of "*An act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to article thirteen (13) of the Constitution of this State,*" approved April 25, 1871, in force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section six of "*An act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to article thirteen of the Constitution of this State,*" be amended to read as follows:

Section 6. It shall be the duty of every warehouseman of class A to receive for storage any grain that may be tendered to him in the usual manner in which warehouses are accustomed to receive the same in the ordinary and usual course of business, not making any discrimination between persons, or between himself as the owner of grain stored in such house and other persons desiring to avail themselves of warehouse facilities, such grain in all cases to be inspected

and graded by a duly authorized inspector, and to be stored with grain of a similar grade received at the same time as near as may be. In no case shall grain of different grades be mixed together while in store; but if the owner or consignee so requests, and the warehouseman consent thereto, his grain of the same grade may be kept in a bin by itself, apart from that of other owners, which bin shall thereupon be marked and known as a "separate bin." If a warehouse receipt be issued for grain so kept separate, it shall state on its face that it is in a separate bin and shall state the number of such bin, and no grain shall be delivered from such warehouse unless it be inspected on the delivery thereof by a duly authorized inspector of grain. Nothing in this section shall be so construed as to require the receipt of grain into any warehouse in which there is not sufficient room to accommodate or store it properly, or in cases where such warehouse is necessarily closed.

The proprietors, lessees or managers of public warehouses of class A may store in any such warehouses owned, leased or managed by them grain of their own and mix it with the grain of others of like grade stored therein, and may purchase warehouse receipts representing grain on store in such warehouses owned, leased or managed by them; but when any such proprietor, lessee or manager shall desire to so store and mix his own grain in any such warehouse or warehouses owned, leased or managed by him, or to purchase receipts for grain on store therein, he shall so inform the chief inspector of grain of the county in which such warehouse or warehouses are located, and said chief inspector shall thereupon place and keep in such warehouse or warehouses, whenever necessary so to do, one or more assistant inspectors, who shall, in addition to their usual duties as assistant inspectors, have general supervision over the storing and care of the grain stored in such warehouse or warehouses under such rules and regulations as shall be made by the railroad and warehouse commissioners; and said commissioners are hereby invested with full power and authority to make all rules and regulations concerning the storing, handling and delivery of grain in warehouses of class A, in which the proprietors, lessees or managers thereof store their own grain, as may in their opinion be necessary to prevent any fraud upon or discrimination against other depositors of grain in their said warehouses and to prevent any proprietor, lessee or manager of such warehouses from securing to himself as the owner of grain stored therein any benefit or advantage over any other depositor of grain stored in such warehouse or warehouses.

APPROVED May 26, 1897.

## WILLS.

§ 1. Amends section 6 of the Act of 1872.

*AN ACT to amend section 6 of an act entitled "An act in regard to wills," approved March 20, 1872, in force July 1, 1872.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 6 of an act entitled "An act in regard to wills" be amended so as to read as follows:

§ 6. In all cases where any one or more of the witnesses of any will, testament or codicil, as aforesaid, shall die, be insane, or remove to parts unknown to the parties concerned, so that his or her testimony can not be procured, it shall be lawful for the county court or other court having jurisdiction of the subject matter to admit proof of the handwriting of any such deceased, insane or absent witness, as aforesaid, and such other secondary evidence as is admissible in courts of justice to establish written contracts generally in similar cases, and may thereupon proceed to record the same as though such will, testament or codicil had been proved by such subscribing witnesses in his, her or their proper persons.

APPROVED June 3, 1897.

## PROBATE OF.

§ 1. Persons desiring to have will probated to file a petition in the probate court—Clerk of county court to send copy of petition to all parties interested.

*AN ACT in relation to the probate of wills.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That before any will shall be admitted to probate, the person desiring to have the same probated shall file a petition in the probate court of the proper county asking that said will be admitted to probate, which petition shall state the time and place of the death of the testator and the place of his residence at the time of his death, also the names of all the heirs-at-law and the legatees, with the place of residence of each, when known, and when unknown the petition shall so state, and the said petition shall be verified by the affidavit of the petitioner. And thereupon the clerk of said county court shall send by mail to each of said parties a copy of said petition within 5 days after the filing thereof, and not less than 20 days prior to the hearing on said petition. And in case the postoffice address of any of said parties is not shown by the said petition, then publication shall be made for at least three weeks before the day set for the hearing in a newspaper of general circulation published in the county where said will is to be offered for probate, which publication notice shall contain the name of the testator, the heirs-at-law and legatees, when known, the time and place where said will is to be offered for probate: *Provided*, that in

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case a petition is not filed and a will has been deposited in said county court for the space of 10 days, then it shall be the duty of the county court to proceed to probate said will without petition being filed, but only after having caused publication and notice of the intention to probate said will to be given to the parties in interest as to the court may seem proper.

APPROVED June 3, 1897.

## JOINT RESOLUTIONS.

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### ADDITIONAL COMPENSATION TO ELEVATOR CONDUCTORS.

WHEREAS, In consideration of the arduous duties performed by the elevator conductors during the sittings of the General Assembly, it has always heretofore been customary to provide for an increase in the per diem of the persons so assigned to the elevator service, said persons being borne on the pay-rolls at the per diem of two dollars per day only, and

WHEREAS, J. F. Davidson, Frank Turney, C. E. Crum, Dick Barton, W. H. Myers and John Benjamin have been engaged in the performance of the duties aforesaid at the per diem hereinbefore mentioned, and are therefore entitled to receive the additional compensation allowed to employes assigned to the elevator service, on account of the arduous duties, and also on account of the hazard and danger incident thereto; therefore, be it

*Resolved, by the Senate, the House of Representatives concurring therein:* That for the purpose of paying said indebtedness the Auditor of Public Accounts be, and he is hereby authorized, to compute the aggregate of said indebtedness to the before mentioned persons, severally, for services rendered by them during this present session, at the rate of one dollar per day in addition to the per diem hereinbefore mentioned and referred to; and that he is authorized and directed to draw his warrant in their favor, severally, for such sum as may respectively be due them hereunder, and the State Treasurer shall pay the same out of any moneys not otherwise appropriated.

Adopted by the Senate May 25, 1897.

Concurred in by the House of Representatives. 1897.

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### ADDITIONAL OFFICERS OF THE GENERAL ASSEMBLY.

*Resolved, by the Senate, the House of Representatives concurring herein:* That the enrolling and engrossing clerks as named in section 3 of an act entitled, "An act to provide for the election and appointment of the officers and employes of the General Assembly of the State and to fix their compensation," approved May 28, 1877, in force July 1, 1877, and the second and third assistant secretary of the Senate, the reading clerk, stenographers, and typewriters, bill clerk, messenger and telephone attendant in the offices of the secretary of the Senate and the clerk of the House, and such committee clerks as may be granted extra time or compensation, be and are hereby declared officers of the General Assembly, and shall receive their pay as such.

Adopted by the Senate June 4, 1897.

Concurred in by the House of Representatives, 1897.

## ADJOURNMENT FROM JANUARY 7 TO JANUARY 11.

*Resolved, by the House of Representatives the Senate concurring herein:* That when the two houses adjourn on Thursday, January 7, A. D. 1897, they stand adjourned until 9 o'clock a. m., on Monday, January 11, 1897.

Adopted by the House January 7, 1897.

Concurred in by the Senate January 7, 1897.

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## ADJOURNMENT FROM JANUARY 20 TO JANUARY 25.

*Resolved, by the Senate, the House of Representatives concurring herein:* That when the Senate and House of Representatives adjourn to-day, they stand adjourned until 5 o'clock p. m., Monday, January 25, 1897.

Adopted by the Senate January 20, 1897.

Concurred in by the House of Representatives, 1897.

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## ADJOURNMENT FROM FEBRUARY 11 TO FEBRUARY 15.

*Resolved, by the Senate, the House of Representatives concurring herein:* That when the two houses adjourn on Thursday, February 11, 1897, they stand adjourned until 5 o'clock p. m., Monday, February 15, 1897.

Adopted by the Senate February 11, 1897.

Concurred in by the House of Representatives February 11, 1897.

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## ADJOURNMENT FROM FEBRUARY 19 TO FEBRUARY 23.

*Resolved, by the House of Representatives, the Senate concurring therein:* That when the two houses adjourn on Friday, February 19, 1897, they stand adjourned until Tuesday, February 23, 1897, at 10 o'clock a. m.

Adopted by the House February 19, 1897.

Concurred in by the Senate February 19, 1897.

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## ADJOURNMENT FROM APRIL 2 TO APRIL 7.

*Resolved, by the Senate, the House of Representatives concurring herein:* That when the two houses adjourn on Friday, April 2, 1897, they stand adjourned until Wednesday April 7, 1897, at 10 o'clock a. m.

Adopted by the Senate March 31, 1897.

Concurred in by the House of Representatives, 1897.

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## ADJOURNMENT FROM APRIL 16 TO APRIL 21.

*Resolved, by the Senate, the House of Representatives concurring herein:* That when the two houses adjourn on Friday, April 16, 1897, they stand adjourned until Wednesday, April 21, 1897, at 10 o'clock a. m.

Adopted by the Senate April 14, 1897.

Concurred in by the House of Representatives, 1897.



## ADJOURNMENT SINE DIE.

*Resolved, by the House of Representatives, the Senate concurring therein:* That when the two houses adjourn on the 4th day of June, A. D., 1897, that they stand adjourned without day.

Adopted by the House April 21, 1897.

Amended and concurred in by the Senate May 14, 1897.

Amendments concurred in by the House May 19, 1897.

## CANVASS OF ELECTION RETURNS.

*Resolved, by the House of Representatives, the Senate concurring herein:* That the two houses shall meet in joint session in the hall of the House of Representatives on Thursday, of the 7th day of January, A. D. 1897, at the hour of ten (10) o'clock a. m., for the purpose of canvassing the returns of the election for State officers held on the 3d day of November, A. D., 1896, as numbered by the Constitution of this State.

Adopted by the House January 6, 1897.

Concurred in by the Senate January 7, 1897.

## CHICAGO RIVER.

*Be it Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein:* That the assent of the General Assembly of the State of Illinois be, and the same is hereby given to the United States to acquire title to, by purchase or condemnation proceedings in accordance with the laws of the United States and this State, and to hold and possess all lands necessary for widening the Chicago river and its branches, as provided for by act of Congress entitled "An act making appropriations for the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes," which became a law June 3, 1896, and the State of Illinois hereby cedes to the United States jurisdiction over any or all lands so acquired.

Adopted by the Senate April 22, 1897.

Concurred in by the House of Representatives April 23, 1897.

## COMMITTEE TO PREPARE JOINT RULES.

*Resolved, by the Senate, the House of Representatives concurring herein:* That there be appointed a committee of seven on Joint Rules of the Senate and House of Representatives of the Fortieth General Assembly, consisting of three members of the Senate, and four members of the House of Representatives, who shall prepare and report to each House, Joint Rules for the regulation and conduct of business between the two Houses. Committee on part of the Senate Messrs. Crawford, Bogardus and Hull.

Adopted by the Senate February 10, 1897.

Concurred in by the House of Representatives February 11, 1897.

## CONSTRUCTION OF WATERWAYS.

WHEREAS, The General Assembly in 1889 passed "An act to create sanitary districts," and provided thereunder for the disposal of the sewage of the city of Chicago through the Desplaines and Illinois rivers by means of a canal across the Chicago Divide of such capacity as to dilute the sewage beyond offense, and such sewage disposal was granted on the condition that said channel should be so constructed as to form part of a navigable waterway between Lake Michigan and the Mississippi river, and on the theory that to produce a waterway of magnitude, as demanded by modern conditions, required a large and constant volume of water flowing through the Illinois river; and further, it was provided that the State dams at Henry and Copperas creek should be removed before the said waters should be turned through the said canal, and the United States was requested by joint resolution to stop work on the locks and dams at La Grange and at Kampsville, and to enter upon the improvement of the channel from LaSalle to the mouth of the said Illinois river, and to develop progressively all the depth practicable by the aid of a large water supply from Lake Michigan; and,

WHEREAS, Under the legislation aforesaid and acts supplemental thereto, the works of the sanitary district of Chicago are so far advanced that the water will be turned through the same in the year 1899, and the General Government, regardless of the wishes of the people of this State and of those most immediately concerned, has completed the locks and dams at La Grange and at Kampsville; and it is the experience of those familiar with the Illinois river that the dams therein below LaSalle have produced a deterioration of the channel and an increase of overflow, and that they should be removed for the sanitary and agricultural benefit of the Illinois Valley, and, furthermore, that said dams will be unnecessary for navigation and a further menace to the valley on the turning therein of the volume of water proposed from Lake Michigan at Chicago; and,

WHEREAS, The construction of the Sanitary Canal of Chicago and the large volume of water required to flow through the same will bring lake and river navigation, which are now 320 miles apart, within sixty miles of each other, and the development of the intermediate section between Lockport and Utica will furnish a through route from the Great Lakes to the Lower Mississippi by way of the Lower Illinois river, and to the Upper Mississippi by way of the Hennepin Canal, and further, that the proportion of three routes constructed by the Sanitary District of Chicago will exceed the cost of extending the largest useful navigation by way of the Illinois river to the Lower Mississippi, together with that of the Hennepin Canal to the Upper Mississippi; and,

WHEREAS, We believe the making of a deep waterway of the Illinois river, to be an undertaking which is national in its character, and should be accomplished by the General Government, for the general welfare, the inland and maritime commerce of the nation, and for the nation's defense in time of war; therefore, be it

*Resolved, by the Senate, the House of Representatives concurring therein:*

1. That it is the policy of the State of Illinois to procure the construction of a waterway of the greatest practicable depth and usefulness for navigation from Lake Michigan by way of the Desplaines and Illinois rivers to the Lower Mississippi river, and by way of the Hennepin Canal to the Upper Mississippi river, and to encourage the construction of useful feeders thereto.
2. That the locks and dams on the Illinois river at La Grange and at Kampsville are detrimental to the sanitary and agricultural welfare of Illinois Valley, and form no part of a proper development in the interests of navigation and should be removed whenever the supply of water as required by law is turned into the said river by means of the Sanitary Canal of Chicago; and said district has removed the dams at Henry and Copperas creek; and the United States is hereby respectfully requested to remove the said dams and to enter upon the improvement of the alluvial portion of the Illinois river by means of a system of channel improvement so as to fully utilize the flow of water from Lake Michigan.

3. That the rockbound section of the Desplaines and Illinois rivers from the end of the Sanitary Canal of Chicago, to Lockport, to the head of the alluvial river at Utica, should be developed for a navigable depth of not less than fourteen feet, and that the United States is requested to enter upon this work in co-operation with all lawful agencies provided for in this State and in harmony with the policy herein set forth.

4. That we demand the immediate removal of all dams constructed by the Government across the Illinois river, whether the channel of the river is deepened or not, and our Senators and Representatives in the United States Congress, are hereby earnestly requested to use their influence in favor of the removal of such dams at the earliest practical moment.

Adopted by the Senate May 27, 1897.

Concurred in by the House of Representatives, 1897.

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#### CUBAN RIGHTS.

WHEREAS, It is well known that a large and well organized army now exists on the Island of Cuba, which by its valor and endurance has conquered and now holds about three-fourths of that Island, and has for nearly two years resisted the whole powers of Spain, thereby earning not only the admiration of our people but the further rights of belligerents; therefore

*Resolved, by the Senate, the House concurring therein:* That our Senators and Representatives in Congress be respectfully urged to use their influence and vote to recognize the belligerent rights of these noble patriots.

Adopted by the Senate February 10, 1897.

Concurred in by the House of Representatives February 11, 1897.

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#### DEATH OF WILLIAM GLENN.

*Be it resolved, by the House of Representatives, the Senate concurring therein:*

WHEREAS, Mr. William M. Glenn, manager of the Associated Press, located at Springfield, Illinois, departed this life on Saturday morning, March 20, 1897, in this city, therefore be it

*Resolved,* that in the death of William M. Glenn, Illinois has lost one of its most gifted sons, the Legislature an honest, truthful and courageous reporter, the newspaper fraternity a talented member, his friends a noble and true companion and his family a loving son and brother.

*Resolved,* we tender our sincere sympathy to his relatives in their affliction. That a copy of this preamble and resolution be engrossed and delivered to the family of the deceased.

Adopted by the House March 23, 1897.

Concurred in by the Senate March 24, 1897.

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#### ELECTION OF UNITED STATES SENATOR.

*Resolved, by the Senate, the House of Representatives concurring herein:* That on Tuesday, the 19th day of January, instant, at 11 o'clock a. m., each House shall by itself, and in the manner prescribed by sections 14 and 15 of the Revised Statutes of the United States, name a person for Senator in the Congress of the United States, from the State of Illinois, for a term of six years from the 4th day of March, A. D. 1897. And on Wednesday, the 20th day of January, instant, at 12 o'clock meridian the members of the two houses shall

convene in joint assembly in the hall of the House of Representatives, and in the manner prescribed by law, declare the person who has received a majority of the votes of each House, if any person has received such majority, duly elected Senator to represent the State of Illinois in the Congress of the United States, for the term aforesaid. And if no person has received such majority then proceed as prescribed in said law, in joint assembly, to choose a person for the purpose aforesaid.

Adopted by the Senate January 12, 1897.

Concurred in by the House of Representatives January 13, 1897.

#### INAUGURATION OF STATE OFFICERS.

*Resolved, by the Senate, the House of Representatives concurring herein:* That the two houses meet in joint session in the House of Representatives on Monday, the 11th day of January, A. D. 1897, at 12 o'clock m. for the purpose of witnessing the inauguration of Governor, Lieutenant Governor, and other State officers elect of the State of Illinois, and that a joint committee of sixteen (16), nine (9) on the part of the House, and seven (7) on the part of the Senate, be appointed to arrange for the inauguration of the Governor, Lieutenant Governor, and the other State officers, and to provide for the admission of persons to the hall and galleries of the House upon that occasion.

Adopted by the Senate January 6, 1897.

Concurred in by the House of Representatives January 7, 1897.

#### LETTER CARRIERS' SALARIES.

WHEREAS, The free-delivery service of the post office department of the United States is self sustaining; and

WHEREAS, There is now pending before the House of Representatives of the Congress of the United States a bill introduced by Hon. H. D. Sperry, of Connecticut, entitled, "A salary bill," adopted by the sixth annual meeting of the National Association of Letter Carriers a bill to increase the pay of letter carriers, known as H. R. 260, providing that the pay of letter carriers in cities of more than 75,000 population for the first year of service shall be \$600, for the second year of service shall be \$800, for the third year of service shall be \$1,000, for the fourth year of service and thereafter shall be \$1,200, and the pay of letter carriers in cities of less than 75,000 population shall be for the first year of service \$600, for the second year of service \$800, for the third year of service and thereafter shall be \$1,000; and

WHEREAS, The Senate of the Congress of the United States, on the 10th day of June, 1896, by a unanimous vote, passed a similarly worded bill, introduced by Senator Mitchell, of Oregon, known as S 3058, said bill now being on the Speaker's table in the House; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring:* That the Representatives of the State of Illinois in the National Congress be requested to favor and assist in securing an early day for its consideration, and to use every honorable effort to secure the passage of the aforesaid Senate Bill No. 3058; and be it further

*Resolved,* That a copy of this resolution be forwarded by the Clerk of the House to each of the Congressmen from the State of Illinois and to the Speaker of the House of Representatives in the National Congress.

Adopted by the House February 9, 1897.

Concurred in by the Senate February 10, 1897.

## NATIONAL MILITARY PARK.

WHEREAS, There is now pending in Congress a bill (H. R. 4339) to establish a National Military Park to commemorate the campaign, siege and defense of Vicksburg, and,

WHEREAS, The operations that culminated almost simultaneously at Gettysburg and Vicksburg in July, 1863, not only mark the turning point in the War of the Rebellion, but also constitute one of the greatest epochs in the history of our country, and should both be commemorated in the most impressive and enduring manner possible, and,

WHEREAS, The establishment of a National Military Park at Vicksburg will be a most fitting and appropriate monument to the great commander whose genius planned these operations and directed them to a successful issue, and,

WHEREAS, The State of Illinois has an especial interest in this bill, for the reason that fifty-four of her infantry regiments, thirteen of cavalry and eleven batteries of artillery participated in the operations it is intended to commemorate, being a much larger number than from any other state, and for the further reason that a greater number of her gallant soldiers participated in those operations than were assembled under one command by any other operation of the war; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring therein:* That the Legislature of the State of Illinois, by this concurrent resolution, asks that the above named bill (H. R. 4339) be passed during this session of Congress, and request the Senators and members of the House of Representatives in Congress from Illinois to labor earnestly for its passage; And the Secretary of State is hereby directed to send a copy of this resolution to the Senators and members of the House of Representatives from Illinois, to the Hon. Thomas B. Reed, Speaker of the House of Representatives, and to the Hon. John A. T. Hull, Chairman of the House Committee on Military Affairs.

Adopted by the House January 14, 1897.

Concurred in by the Senate January 20, 1897.

## PRINTING GOVERNOR ALTGELD'S MESSAGE.

*Resolved, by the Senate, the House of Representatives concurring herein:* That 5,000 copies of Governor Altgeld's message be printed for the use of the members of the General Assembly and for distribution.

Adopted by the Senate January 7, 1897.

Concurred in by the House of Representatives January 12, 1897.

## THE ILLINOIS AND MICHIGAN CANAL AT JOLIET.

WHEREAS, In the construction of the channel of the sanitary district of Chicago through the city of Joliet, material changes may be required in the Desplaines river and in the arrangement of the Illinois and Michigan Canal, therefore, be it

*Resolved by the House of Representatives, the Senate concurring herein:* That the Board of Commissioners of the Illinois and Michigan Canal are hereby empowered to accept such changes in the location and construction of said canal through the city of Joliet as may be necessary to accommodate the works of the sanitary district of Chicago and to transfer to said district any lands that it may require that are no longer needed for State purposes: *Provided*, that said canal as changed, shall be the equivalent of the present canal as nearly as may be and that the usefulness of the same shall not be unnecessarily impaired, and that no change shall be made without the approval of said Board of Commissioners being first had and obtained, and such changes shall be made without expense to the State. *And, provided further*, that due com-

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pensation shall be rendered for all property taken in excess of that restored and transferred by said sanitary district as the equivalent of the present canal and its appurtenances. *Provided further*, that where any such lands are, and for more than thirty years last past have been, peaceably held and occupied by any person or persons under color of title obtained in good faith, then, for the taking of any such lands due compensation shall be made to such person or persons.

Adopted by the House June 3, 1897.

Concurred in by the Senate June 3, 1897.

UNITED STATES OF AMERICA,     } ss.  
STATE OF ILLINOIS.             }

OFFICE OF THE SECRETARY OF STATE.

I, JAMES A. ROSE, Secretary of State, of the State of Illinois, do hereby certify that the foregoing Acts and Joint Resolutions of the Fortieth General Assembly of the State of Illinois, passed and adopted at the regular session thereof, are true and correct copies of the original acts and joint resolutions, now on file in the office of the Secretary of State, save and except such words, letters and figures as are printed in brackets, thus: [    ].

[SEAL.]

IN WITNESS WHEREOF, I hereto set my hand and affix the  
Great Seal of State, at the city of Springfield, this 3d  
day of July, A. D. 1897.

*James A. Rose*

*Secretary of State.*

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